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Title 19

Zoning Ordinance



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Zoning Ordinance



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TITLE 19

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Chapter 19.01

Authority, Purposes, and Effects Of the Zoning Ordinance

Sections:

19.01.010	Title
19.01.020	Authority
19.01.030	Purposes of the Zoning Ordinance
19.01.040	Applicability
19.01.050	Compliance with Title
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19.01.120	Interpretation

19.01.010 Title. This Title of the American Canyon City Code shall be known and cited as the "American Canyon Zoning Ordinance."

19.01.020 Authority. This Title is adopted pursuant to the authority set forth in California Government Code Section 65850.

19.01.030 Purposes of the Zoning Ordinance.

- A. The purpose of the zoning ordinance is to protect and to promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare.
- B. More specifically, the zoning ordinance is adopted in order to achieve the following objectives:
 - 1. To provide a clear and concise guide for the physical development of the City.
 - 2. To establish clear, understandable and applicable land use regulations and guidelines consistent with the City's police powers.
 - 3. To provide implementing standards and procedures that will individually and collectively ensure consistency of development with the General Plan.
 - 4. To foster a harmonious, convenient, and workable relationship among land uses.

5. To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.
6. To foster the provision of adequate off-street parking and off-street loading facilities.
7. To protect and enhance real property values.
8. To protect and enhance the quality of the environment.
9. To safeguard and enhance the appearance of the City.
10. To ensure quality development, consistent with the General Plan's design and development principles, and an attractive and functional community appearance.

19.01.040 Applicability. This Title shall apply, to the extent permitted by law, to all property in incorporated American Canyon whether owned by private persons, firms, corporations, or organizations; by the United States or any of its agencies; by the State of California or any of its agencies or political subdivisions; by any county or city, including the City of American Canyon; or by any authority or public entity organized under the laws of the State of California. Any governmental agency shall be exempt from the provisions of this Title only to the extent that such property may not be lawfully regulated by the City of American Canyon.

19.01.050 Compliance with Title.

- A. It shall be unlawful for any building or structure to be moved, erected, used, altered, enlarged, or rebuilt or for any use to be established or changed that does not strictly conform to the provisions of this Title.
- B. It shall be unlawful for any yard, open space, or land to be used for any purpose or in any way not specifically permitted by this Title.
- C. No department, official, or employee of the City of American Canyon vested with the duty or authority to issue permits or licenses for buildings, structures, or uses subject to the requirements of this Title shall issue a permit or license in conflict with the provisions of this Title; any permit or license issued in conflict with any provision of this Title shall be null and void. Further, no permit or license shall be issued by any department, official, or employee of the City of American Canyon for any building, structure, or use subject to the requirements of this Title on a parcel of land where the department, official, or employee is aware that a violation of this Title exists.

19.01.060 Relationship to Other Regulations and Requirements.

- A. The regulations of this Title and requirements or conditions imposed pursuant to this Title shall not supersede any other regulations or requirements adopted or imposed by the American Canyon City Council, any board, commission, or department of the City of American Canyon, or any other local, state, or federal agency that has jurisdiction by law over uses and development authorized by this Title. All uses and development authorized by this Title shall comply with all other such regulations and requirements. Where two or more ordinances regulate the same use or activity, the more restrictive ordinance shall apply.
- B. Nothing contained in this Title shall be deemed to repeal or amend any regulation of the City requiring a permit or license or both for any business, trade, or occupation nor shall anything in this Title be deemed to repeal or amend the building standards adopted or enforced by the City of American Canyon.

19.01.070 Prior Rights and Violations.

- A. The enactment of this Title shall not terminate or otherwise affect variances, conditional use permits or other approvals authorized under the provisions of any ordinance repealed, suspended, or revised by the adoption of this Title, nor shall any prior violation of any such prior ordinance be excused by the adoption of this Title unless said violation conforms to the standards of this Title.
- B. Any building or structure for which an entitlement permit has been issued prior to the effective date of this Title may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, if construction is commenced within the legal life of such entitlement and diligently pursued to completion. No extensions of time shall be granted for commencement of construction.

19.01.080 Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The American Canyon City Council hereby declares that it would have passed this Title, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

19.01.090 Fees. The City Council shall establish by resolution, and may amend and revise from time to time, fees for processing the various applications authorized or required by this Title. All fees shall be paid at the time an application is filed, and no processing shall commence until the fee is paid in full.

19.01.100 Private Agreements.

- A. The City shall not be responsible for enforcing covenants, conditions and restrictions (CC&R's) or other private agreements.
- B. The City of American Canyon shall not be named as a third party beneficiary in any private agreement executed in relationship to this Title.

19.01.110 Acceptance of Maintenance. The City of American Canyon may accept maintenance of any public facilities only if they meet all City standards, any applicable conditions of entitlement approval, or any criteria for acceptance of public dedications and facilities.

19.01.120 Interpretation. If ambiguity arises concerning the content or application of this Title, it shall be the duty of the Planning Director to ascertain all pertinent facts and make an interpretation. Alternatively, the Planning Director may request the Planning Commission to make an interpretation. An interpretation by the Planning Director may be appealed to the Planning Commission as provided in Chapter 19.40, *Review and Approval Procedures*.

Chapter 19.02

Enforcement and Penalties

Sections:

- 19.02.010 Purpose**
- 19.02.020 Responsibility for Enforcement**
- 19.02.030 Violations and Penalties**
- 19.02.040 Maintenance of Common Areas, Improvements and Facilities**

19.02.010 Purpose. Enforcement of the provisions of this Title and any entitlements granted by the City shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to promote the City's planning efforts and implementation of the General Plan, and to protect the public health, safety, and welfare.

19.02.020 Responsibility for Enforcement.

- A. The Planning Director shall be the official responsible for the enforcement of this Title. In the discharge of this duty the Planning Director or designee shall have the right to enter on any site or enter any structure for the purpose of investigation and inspection, provided that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence or without permission of the owner or tenant without the written order of a court of competent jurisdiction.
- B. The Planning Director may serve notice requiring the removal of any structure or cessation of any use in violation of this ordinance on the owner or their authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation. The Planning Director may call upon the City Attorney to institute necessary legal proceedings to enforce the provisions of this ordinance, and the City Attorney hereby is authorized to institute appropriate actions to that end. The Planning Director may call upon the Chief of Police and his/her authorized agents to assist in the enforcement of this Title.

19.02.030 Violations and Penalties.

- A. Any person, firm, corporation, or organization violating any provision of this Title shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500 and by imprisonment for a term not exceeding six months, or by both a fine and imprisonment, or shall be subject to such punishment as provided elsewhere in the Municipal Code. A person, firm, corporation, or organization shall be deemed guilty of a separate offense for each day, or portion thereof, during which the violation of this Title is committed, continued, or permitted

by the person, firm, corporation, or organization and shall be punishable as herein provided.

- B. Any structure or sign erected, moved, altered, enlarged, or maintained and any use of a site contrary to the provisions of this Title shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal, and enforcement thereof in the manner provided by law, shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, corporation, or organization from erecting, moving, altering, or enlarging the structure or sign or using the site contrary to the provisions of this Title.
- C. All remedies provided for herein, and any other portion of the Municipal Code, shall be cumulative and not exclusive.

19.02.040 Maintenance of Common Areas, Improvements and Facilities.

- A. The recipient of any permit issued pursuant to this Title, or his/her successor, shall be responsible for maintaining all common areas, improvements or facilities required by this Title or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. Such responsibility shall be reflected in the project's Covenants, Conditions and Restrictions (CC&R's), which shall be approved by the City and the California Department of Real Estate and shall be consistent with the conditions of any related entitlement.
- B. By way of illustration, and without limiting the generality of the foregoing, private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

Chapter 19.03

Official Zoning Map

Sections:

- 19.03.010 Official Zoning Map**
- 19.03.020 Uncertain Boundaries**

19.03.010 Official Zoning Map. The boundaries of the zoning districts established by this Title are shown on the Official Zoning Map maintained by the Planning Director. The Official Zoning Map and all notations, references, and other information shown thereon shall be as much a part of this Title as if the matters and information set forth on such maps were fully described herein.

19.03.020 Uncertain Boundaries. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines.
- B. Boundaries indicated, as approximately following the lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries.
- C. In the case of unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless indicated by dimension, shall be determined by the use of the scale appearing on the zoning map.
- D. In the case of any remaining uncertainty, the City Council shall determine the location of boundaries.
- E. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- F. Where any private right-of-way or easement of any railroad, railway, transportation, or public utility company is vacated or abandoned and said property is unclassified, said property shall be automatically classified as being in the base zoning district most consistent with the property's General Plan designation.
- G. All property in the City or hereafter annexed, and not otherwise classified by the City, is hereby classified as being in the base-zoning district most consistent with the property's General Plan designation if the property was not previously rezoned prior to annexation.

Chapter 19.04

Definitions

Sections:

19.04.010	Purpose
19.04.020	Rules for Construction of Language
19.04.030	Definitions

19.04.010 Purpose. The purpose of this Chapter is to define terms used in this Title and establish rules for the construction of the language to ensure a consistent interpretation of the requirements of this Title.

19.04.020 Rules for Construction of Language. In interpreting the various provisions of this Title, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. In case of conflict between the text and diagram, the text shall control.
- C. All references to departments, commissions, boards, or other public agencies are to those of the City of American Canyon, unless otherwise indicated.
- D. All references to public officials are to those of the City of American Canyon, and include designated deputies of such officials, unless otherwise indicated.
- E. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or holiday, it shall be extended to the next working day.
- F. The words, "shall", "will", and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive.
- G. The present tense includes the past and future tenses, and the future tense includes the past.
- H. The singular number includes the plural, and the plural, the singular.
- I. Whenever a certain hour or time of day is specified in this Title or any permit, condition of approval or notice issued or given as set forth in this Title, such hour shall be Standard Time or Daylight Savings Time, whichever is in current use in the City.
- J. Whenever this Title requires consideration of distances, parking spaces or other

aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the nearest highest whole number, when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5, except as otherwise noted in this Title. In the case of the number of dwelling units, the numerical quantities which are fractions of whole numbers shall be rounded to the next lowest whole number in all such instances.

19.04.030 Definitions. Words and phrases used in this Title shall have the meanings set forth in this Chapter. Words and phrases not defined in this Chapter but defined elsewhere in the Zoning Ordinance (including Chapter 19.23, *Sign Regulations* and Chapter 19.05, *Use Classifications*) shall be given the meanings set forth in those Chapters. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Abut: To physically touch, border upon, or to share a common corner or property line.

Accessory building or structure: A detached, subordinate structure or a subordinate structure attached to a main structure by a breezeway, the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land, and which is located on the same site with the main structure or use.

Accessory use: A use primarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use nor serve property other than the lot or parcel of land on which the principal use is located.

Acre, gross: The area of a lot or site, including easements of right-of-way to be dedicated, but excluding existing public rights-of-way.

Acre, net: The area of a lot or site remaining after dedication of all required rights-of-way.

Adjoining: Two or more lots or parcels of land sharing a common boundary line, or two or more objects in contact with each other. Lots or parcels of land which touch at corners only shall not be deemed adjoining. "Abutting", "adjacent" and "contiguous" shall mean the same as adjoining.

Affordable rent: Monthly rent, including utilities and all fees for housing services, not exceeding the following calculations:

Very low-income households: 50 percent of the median income multiplied by 30 percent and divided by 12.

Low-income households: 60 percent of the median income multiplied by 30 percent and divided by 12.

Affordable sales price: The maximum purchase price that will be affordable to the specified target income household, calculated on the basis of underwriting standards of mortgage financing available for the project and including all housing costs.

Alley: A public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alter: To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure. In the case of signs, "alter" includes copy changes.

Annual household income: The combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

Antennae: Transmitting and receiving devices.

Area, lot, parcel or site: The horizontal area within property lines excluding access corridors, vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Base district: The zoning districts and their associated purposes and regulations set forth in this Title.

Breezeway: A structure not less than five feet in length, not exceeding 14 feet in height and having not more than 50 per cent of the sides of the structure enclosed with any material other than that necessary for roof supports, for the principal purpose of connecting the main structure on a site with another main structure or an accessory structure on the same site.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

Change of use: A discontinuance of a use and the substitution therefore of a different use.

Child: A person who is under 18 years of age.

City: The City of American Canyon.

City Council: The City Council of the City of American Canyon.

Commission: The Planning Commission of the City of American Canyon.

Compatible: That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Conditionally-permitted: Permitted subject to approval of a conditional use permit or minor conditional use permit.

Construction: Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.

Council: The City Council of the City of American Canyon.

Court: An unoccupied open space on the same site with a building, which is bounded on two or more sides by exterior building walls.

Density: The number of dwelling units per unit of land.

Depth, lot: The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines (see Figure D-1).

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Driveway: A private road, the use of which is limited to persons resident or working on the site and their invitees, licensees, and business visitors, and which provides access to off-street parking or loading facilities.

Dwelling unit: One or more rooms with a single kitchen, designed for occupancy by one family for living and sleeping purposes.

Dwelling unit, studio: A dwelling unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Emergency work: The use of any machinery, equipment, vehicle, manpower, or other activity in a short-term effort to protect, or restore safe conditions in the City, or work by private or public utilities when restoring utility service.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family: One or more individuals occupying a dwelling unit and living as a single household unit.

Fence: An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

Floor area, gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including: basement or attic areas used only for storage; space used only for mechanical Equipment; breezeways, uncovered steps, patios, and terraces; porches and exterior balconies, if not enclosed; and atria and lobbies. Unless excepted above, gross floor area includes but is not limited to elevator shafts and stairwells measured at each floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies, and mezzanines.

Floor area ratio (FAR): The gross floor area of all buildings on a lot divided by the lot area.

Frontage, building: The exterior building wall of a ground floor business establishment on the side or sides of the building fronting and/or oriented toward a public street or highway. "Building frontage" shall be measured continuously along said building wall for the entire length of the business establishment, including any portion thereof which is other than parallel to the remainder of the wall.

Frontage, street: That portion of a lot or parcel of land which borders a public street other than the sideline of a corner lot. "Street frontage" shall be measured along the common lot line separating said lot or parcel of land from the Public Street, highway, or parkway.

Garage or carport: An accessory structure or a portion of a main structure, having a permanent roof and designed for the storage of motor vehicles.

General Plan: The General Plan of the City of American Canyon and all elements thereof.

Grade (ground level): The average of the finished ground level at the center of all walls of a building. In cases where walls are parallel to and within five feet of sidewalks, the above ground level shall be measured at the sidewalks.

Ground floor: The first floor of a building other than a basement.

Guest room: A room which is designed, used or intended to be used as temporary sleeping accommodations for any person, and which does not contain a bar sink and/or gas, electrical or water outlets designed, used or intended to be used for cooking facilities except as otherwise specifically provided for by this Title.

Household: A family living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation

and storage of food within the dwelling unit.

Housing cost: The sum of actual or projected monthly payments for all of the following associated with for-sale units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities.

Illegal nonconforming building or use: A building or use which does not conform to one or more of the provisions of this Title and did not lawfully exist on the effective date of applicable chapters of this Title.

Intersection, street: The area common to two or more intersecting streets.

Kitchen: Any room or space within a building intended to be used for the cooking or preparation of food.

Lot: A parcel, tract, or area of land whose boundaries have been established by a legal instrument such as a recorded deed or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of Title.

Lot area: The total area circumscribed by the boundaries of a lot, excluding any street rights-of-way.

Lot, corner: A lot or parcel situated at the intersection of two or more highways or streets, which highways or streets have an angle intersection measured within said lot or parcel of land of not more than 135 degrees (see Figure D-2).

Lot, flag: A lot or parcel taking access by a strip of land, the owner of which lot or parcel has fee-simple title to said strip extending from the main portion of the lot or parcel to the adjoining street, road or access easement (see Figure D-2).

Lot, interior: A lot or parcel of land other than a corner or flag lot (see Figure D-2).

Lot, key: An interior lot adjoining the rear lot line of a reversed corner lot (see Figure D-2).

Lot, reversed corner: A corner lot, the highway or street side lot line of which is substantially a continuation of the front line of a lot or parcel of land which adjoins the rear lot line of said lot (see Figure D-2).

Lot, through: A lot having frontage on two parallel or approximately parallel highways and/or streets (see Figure D-2).

Lot line, front: A line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from a street (see Figure D-2).

Lot line, rear: A lot line which is opposite and most distant from the front lot line (see Figure D-2).

Lot line, side: Any lot boundary line which is not a front line or a rear lot line (see Figure D-2).

Lower-income household: A household with an annual household income of 80% or less of the median income for Napa County, adjusted for household size.

Median income: The median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successory provision) by the United States Department of Housing and Urban Development.

Minimum distance between buildings: The distance between the walls of buildings, measured at the nearest point to an adjacent building.

Moderate-income household: A household with an annual household income of between 81% and 120% of the median income for Napa County adjusted for household size.

Monthly owner-occupied housing payment: That sum equal to the principal, interest, property taxes, homeowner's insurance and homeowner's association dues paid on an annual basis, divided by 12.

Nuisance: A condition that is injurious or potentially injurious to the public health, safety and welfare, or has a tendency to degrade the appearance and property values of surrounding property or to cause damage to public rights-of-way.

Off-street loading facilities: A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths and associated aisles, access drives, and landscaped areas.

Off-street parking facilities: A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

On-site: Located on the lot that is the subject of discussion.

Outdoor storage: The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Overlay district: A zoning district (e.g., the AC Airport Compatibility Overlay District) that modifies the allowable uses, design standards, and/or development standards of the base district with which it is combined.

Patio, covered: An accessory structure not exceeding 14 feet in height, and enclosed on not more than three sides except for posts necessary for roof support.

Permanent foundation system: An assembly of materials constructed below or partially below grade and not intended to be removed from its installation site, which assembly is designed to support a structure and is engineered to resist the imposition of external natural forces as defined by Section 18551 of the Health and Safety Code, as such section may have been amended at the time of application of this Title.

Permanent storage: The storage of motor vehicles, trailers, airplanes, boats, parts thereof, or building materials for a period of 48 consecutive hours or more.

Permit: Written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Permitted use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: Any individual, firm, association, corporation, organization, or partnership, or any city, county, district or state or any department or agency thereof.

Planning Commission: The City of American Canyon Planning Commission.

Planning Director: The Planning Director of the City of American Canyon.

Processing: A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

Project: Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this Title.

Project inauguration: A project has been inaugurated if applicable grading and building permits have been issued, necessary infrastructure installed, foundations installed and above-ground construction initiated and ongoing without any cessations of construction activity for more than 180 days.

Recreational vehicle: A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

Residential accessory structure: A building or structure normally associated with dwellings, such as detached garages, carports, greenhouses, storage buildings, and swimming pools, but excluding cargo containers.

Residential property: A parcel of real property which is developed and used either in whole or in part for residential purposes.

Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Right-of-way lines: The lines that form the boundaries of a right-of-way.

Sidewalk: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Single ownership: Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby the property is or will be under unitary or unified control.

Site coverage: The percentage of total site area covered by structures, open or enclosed, excluding uncovered steps, patios, terraces, and swimming pools.

Slope: The relationship between the change in elevation (rise) of land and the horizontal distance (run) over which the elevation occurs.

Specific plan: A plan for a defined area that is consistent with Chapter 19.17 of this Title.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. "Story" includes a basement but not a cellar.

Street: A public or private right-of-way, other than a major or secondary highway or alley, whose function is to carry vehicular traffic and/or provide vehicular access to abutting property.

Structure: Anything constructed or erected which requires a fixed location on the ground, or is attached to a building or other structure having fixed location on the ground.

Structure, main or principal: A structure housing the principal use of a site or functioning as the principal use.

Structure, temporary: A structure without any foundation or footings, which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Swimming pool: A pool, pond, lake, or open tank capable of containing water to a depth greater than one and one-half (1-1/2) feet at any point.

Target household: The household for which a dwelling unit is to be provided under Chapter 19.27, *Housing Incentives*, or Chapter 19.28, *Inclusionary Housing Requirements*.

Use: The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged for which either a site or a structure is or may be occupied or maintained.

Use initiation: The implementation of a use on a parcel or occupancy of a structure.

Use, principal: A primary or dominant use established, or proposed to be established, on a lot.

Variance: Permission to depart from the literal requirements of this Title.

Very low-income household: A household with an annual household income of up to 50% of the median income for Napa County, adjusted for household size.

Warehousing: The storage of materials in a warehouse or terminal, where such materials may be combined, or separated for transshipment or storage purposes but the original material is not chemically or physically changed.

Wheel stop: A physical barrier sufficient in size and shape to prevent the movement of automobiles or other vehicles over or past such barrier.

Width: The horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines (see Figure D-1).

Yard: An open space on the same lot or parcel of land, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Title.

Yard, front: A yard extending across the full width of a lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the right-of-way line of the highway or street on which the property fronts, and a line parallel thereto on the lot or parcel of land, except as otherwise provided for a flag lot. On corner lots, the front yard shall be located across the narrower frontage of the lot. A yard shall not be deemed a front yard if there is no right of access of any kind, pedestrian or vehicular, from the adjoining street.

Yard, side, street: A yard bounded by a highway or street, extending from the required front yard, or the right-of-way line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required. The width of such required side yard shall be a specified horizontal distance between the right-of-way line of the highway or street on which the property sides, and a line parallel thereto on the lot or parcel of land.

Yard, side, interior: A yard extending from the required front yard, or the right-of-way line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required on other than a corner side yard. The width of a required interior side yard shall be a specified horizontal distance between each such side lot line parallel thereto on the lot or parcel of land.

Zoning District: A specifically delineated area or district in the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning Ordinance: The Zoning Ordinance of the City of American Canyon, as amended.

Chapter 19.05

Use Classifications

Sections:

19.05.010	Purpose
19.05.020	Permitted and Conditionally-Permitted Uses
19.05.030	Determination of Classifications
19.05.040	Residential Classifications
19.05.050	Commercial Classifications
19.05.060	Industrial Classifications
19.05.070	Recreational Classifications
19.05.080	Public and Quasi-Public Classifications
19.05.090	Agricultural Classifications
19.05.100	Accessory Classifications
19.05.110	Temporary Use Classifications

19.05.010 Purpose. The purpose of these provisions are to classify uses according to types on the basis of common functional, product, or compatibility characteristics, and to set forth permitted and conditionally-permitted uses for each zoning district.

19.05.020 Permitted and Conditionally-Permitted Uses. Uses subject to the provisions of this Title shall be known as either permitted uses or conditionally-permitted uses subject to the approval of a conditional use permit in accordance with Chapter 19.40, *Review and Approval Procedures*.

19.05.030 Determination of Classifications. The Planning Director shall have the authority to classify common uses according to use classifications. The classification of a use is subject to the right of appeal pursuant to the appeal procedure set forth in Chapter 19.40, *Review and Approval Procedures*. A list of common uses and the use classifications into which they are classified shall be maintained by the Planning Director. A list of common uses which are prohibited shall also be maintained by the Planning Director. Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment.

19.05.040 Residential Classifications. Residential uses include the occupancy of living accommodations on a wholly or primarily non-transient basis, but exclude institutional living arrangements providing 24-hour skilled nursing or medical care and those providing forced residence, such as detention facilities.

Congregate Living Facility: An establishment offering lodging on a monthly basis or

longer, along with common eating arrangements and other services such as recreational, social and cultural activities and transportation, but excluding medical care.

Farm Employee Housing: Living quarters provided on Agriculture District property for the use of workers employed in agricultural activities.

Garden Apartments: A multi-family development of one or more two- or three-story structures containing up to 20 units each that has units located one over the other, with integrated off-street parking, open space and recreation.

Mobile Home: A factory-built, single-family structure that meets the National Manufactured Housing Construction and Safety Standards Act of 1974.

Mobile Home Park: A site developed for the long-term placement of mobilehomes.

Multi-Family Residential: Three or more dwelling units on a lot. Multi-family residential units may share one or more common walls and include townhomes and garden apartments.

Residential Care Home: Provision of 24-hour non-medical care of six or fewer persons in need of personal services, supervision, protection or assistance essential for sustaining the activities of daily living, or 24-hour care for six or fewer foster children. This classification includes only those services and facilities licensed by the State for such purposes.

Second Residential Unit: A second dwelling unit located on a lot with an existing principal dwelling unit.

Single-Family Residential, Detached: A dwelling unit located on a separate lot which has no common walls with any other dwelling unit. Detached single-family residential include mobilehomes placed on a permanent foundation.

Single-Family Residential, Semi-Detached: A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

Townhouse: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

19.05.050 Commercial Classifications. Commercial uses include the sale or rental of goods and the provision of services other than those classified as Public or Quasi-Public, or Industrial.

Adult Business: Any business wherein the preponderant business is the offering of entertainment, services, materials and/or products that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or

anatomical genital areas. This classification includes, but is not limited to, adult movie arcades, adult bookstores, adult theaters, adult cabarets, model studios, and sexual novelty shops.

Animal Sales and Services:

Boarding, Kennel: Provision of shelter and care for four or more small animals four or more months of age. This classification includes activities such as feeding, exercising, grooming, breeding, and incidental medical care.

Grooming: Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of small animals for a maximum period of 48 hours.

Medical Care: Medical and surgical treatment of small animals. This classification includes hospital facilities that are entirely enclosed, soundproofed, and air-conditioned. Incidental grooming and temporary boarding of animals for 30 days is included.

Retail Sales: Retail sales of small animals and related products within an entirely enclosed building. This classification includes incidental grooming.

Bank, Savings and Loan: A financial institution that provides retail-banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.

Drive-Up Service: Provision of banking services accessible to persons who remain in their automobiles.

Walk-up Service: Provision of banking services to persons at a walk-up window or automated teller machine.

Bookstores – An establishment providing the retail sales of books, magazines, or book related merchandise to the general public.

Building Materials and Services: Retailing, wholesaling or rental of building supplies or equipment. This classification includes lumberyards, tool and equipment sales and rental establishments, and building contractors' yards, but excludes activities classified under Vehicle/Equipment Sales, Leasing and Services.

Catering: Preparation and delivery of food and beverages for off-site consumption without provision for on-site pick-up or consumption.

Commercial Printing: Establishments providing printing, blueprinting, photocopying, engraving, binding, or related services.

Limited Printing: establishments that provide convenience photocopying and accessory

retail-oriented services.

Communication Services: Establishments involving point-to-point communication services, whether by wire or radio, either aurally or visually, including radio and television broadcasting stations and the exchange or recording of messages, but not including on-site transmission towers.

Drugstores – Retail sales of medicinal and pharmaceutical related products

Eating and Drinking Establishments: An establishment where food and drink are prepared, served and consumed primarily within the principal building.

Entertainment, Indoor: The provision of participant or spectator entertainment within an enclosed building, excluding uses classified under Adult Business. Typical uses include live theater, motion picture theaters, and nightclubs.

Amusement Center: Any place in which five or more coin- or slug-operated amusement devices are installed, including any place open to the public, whether or not the primary use of the premises is devoted to the operation of such devices.

Gaming: Legal gaming activities.

Food Sales – A retail establishment such as a grocery store or market providing food related products.

Funeral and Interment Services: Establishments primarily engaged in preparing the human dead for burial and arranging and managing funerals. This classification excludes cemeteries, crematoriums, and columbariums.

Gas Stations and Automobile Service Facilities – An establishment engaged primarily in the retail sale of motor fuels and incidentally in the supplying of goods and services required in the operation and maintenance of motor vehicles. This classification includes incidental maintenance and repair of automobiles and light trucks. Should be discouraged at major intersections.

Grocery and Drug Stores – An establishment where grocery and drug related products are sold to the general public.

Health Services: Establishments primarily engaged in the provision of personal health services ranging from prevention and diagnosis to treatment and rehabilitation services provided by physicians, dentists, therapists, optometrists and other health care personnel. Typical uses include medical and dental offices, health maintenance organizations, optical services, immediate care facilities, rehabilitation centers and pharmacies. This classification excludes hospitals and long-term care facilities.

Household Goods Sales – An establishment engaged in the selling of household goods or merchandise to the general public.

Laboratory: An establishment providing medical or dental laboratory services; or providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.

Lodging Services: Establishments offering lodging on a less than monthly basis, and having kitchens in no more than 60 percent of guest units. These classifications includes commercial functions that are integrated into the lodging services operation and may be provided for the general public such as meeting rooms and eating, drinking, banquet service, inns, hotels and motels. This classification excludes uses classified under Congregate Living Facility and room rentals in a detached dwelling unit.

Bed and Breakfast Inns: Establishments offering lodging on less than a monthly basis in a structure that was originally built as a residential dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen on the premises. This classification excludes uses classified under Group Residential.

Long-Term Care Facility: An establishment providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

Maintenance and Repair Services: Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes the maintenance and repair of vehicles (see Vehicle/Equipment Repair).

Nursery: An establishment selling horticultural materials in which all merchandise other than plants is kept within an enclosed building or a fully-screened enclosure, and fertilizer of any type is stored and sold in package form only.

On-Premise Liquor Consumption: Establishments predominantly engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises. Typical uses include bars, cocktail lounges, taverns and similar uses. This classification also includes live entertainment for the enjoyment of patrons, but excludes those uses classified under the Commercial Recreation and Entertainment, Indoor Entertainment use type.

Tasting Room: An establishment that offers samples of beer or wine for tasting on the premises, with or without charge.

Outdoor Sales and Displays – Outdoor sales and displays are permitted only when in conjunction with a permanent on-site structure housing the business.

Overnight Accommodations, Lodging Services – Establishments offering lodging on a less than monthly basis, and having kitchens in no more than 60% of guest units. This classification includes commercial functions that are integrated into lodging services

operation and may be provided for the general public such as under Congregate Living Facility and room rentals in a detached dwelling unit. Overnight Accommodations and Lodging Services not allowed in the Neighborhood Commercial District.

Pawnshops: Establishments engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

Personal Improvement Services: Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios; driving schools; business and trade schools; reducing salons; and health or physical fitness clubs.

Night use: Use of the facilities between 10 p.m. and 7 a.m.

Personal Services: Provision of recurrently-needed services of a personal nature. This classification includes hair and nail care salons, garment alteration services, repair shops, dry cleaning pick-up, self-service laundries, and massage services, but excludes banks, and savings and loans.

Professional and Medical Offices – Offices of firms or organizations providing professional, executive, management, administrative, or counseling services, such as design, engineering, real estate, insurance, investment, medical and legal offices. This classification excludes banks, savings and loan associations, and health services.

Recycling Collection Center: A collection center for recyclable household materials, including glass, metal, paper products and other materials as may be determined by the Planning Director.

Restaurant: An establishment where food and drink are prepared, served, and consumed primarily within the principal building. This classification includes restaurants, lunch counters, delicatessens, coffee shops, cafes and soda fountains; includes the on-site sale of beer, alcohol and wine incidental to the principal use; but excludes those uses classified under the On-Premise Liquor Consumption use type. This classification also includes live entertainment for the enjoyment of dining patrons, but excludes those uses classified under the Commercial Recreation and Entertainment, Indoor Entertainment use type.

Night use: Use of the facilities between 10 p.m. and 7 a.m.

Restaurant, Take-Out: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Night use: Use of the facilities between 10 p.m. and 7 a.m.

Retail Commercial – The retail sales of commercial goods and services to the general public.

Retail Food Sales: Retail sales of food and/or beverages for off-site preparation and consumption. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering or Restaurants.

Convenience Store: Retail sales of prepackaged food, beverages, and small convenience items typically found in establishments with long or late hours of operation.

Liquor Store: A retail establishment at which 50 percent or more of the transactions involve the sale of alcoholic beverages for off-site consumption.

Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This classification includes processing or manufacturing activities incidental or subordinate to the primary retail activity whose products are primarily sold on-site, such as a jeweler or bakery.

Limited: Retail sales of products manufactured by a principal industrial use.

Visitor-Oriented: Retail sales of specialty goods which are likely to be of interest or may be required by visitors to the community, such as gifts, souvenirs, handcrafts, antiques, and clothing.

Vehicle/Equipment Sales and Services:

Automobile Rental: Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

Automobile Washing: Washing, waxing or cleaning of automobiles or similar light vehicles.

Service Station: An establishment engaged primarily in the retail sale of motor fuels and incidentally in the supplying of goods and services required in the operation and maintenance of motor vehicles. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles, upholstery work, auto glass work, painting, tire recapping, auto dismantling, auto storage, and the sale of groceries, dairy products, liquor, garden supplies and similar items.

Vehicle/Equipment Repair: Repair of automobiles, light trucks, motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, wheel and brake shops, and tire sales and installation, but excludes body and fender shops, repair of heavy trucks or vehicles, vehicle dismantling or salvage,

and tire retreading or recapping.

Vehicle/Equipment Sales, Lease and Rentals: Sale, lease or rental of automobiles, trucks, tractors, construction and agricultural equipment, mobilehomes, and similar equipment, including storage of vehicles for sale, lease or rental and incidental maintenance and repair of said vehicles.

Video Rentals – A retail establishment where the rental or sale of video related products is performed.

Wholesaling, Commercial: Wholesaling and storage of commercial goods and supplies within an enclosed building, but excluding distribution activities.

19.05.060 Industrial Classifications. Industrial uses include the on-site production of goods by methods not agricultural in nature, distribution, warehousing, and storage activities, research and development, and vehicle and equipment services other than those classified as commercial uses.

Hazardous Use: A use that primarily involves the storage, manufacture, or processing of highly combustible or explosive products or materials which are likely to burn with extreme rapidity or which may produce poisonous fumes or explosions; storage or manufacturing that involves highly corrosive, toxic, or noxious alkalies, acids, or other liquids or chemicals producing flame, fume, poisonous, irritant, or corrosive gases; or the storage or processing of any materials producing explosive mixtures of dust or that result in the division of matter into fine particles subject to spontaneous ignition.

Industry, General: Manufacturing or processing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification may involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture and processing; heavy equipment and vehicle assembly and service; food and beverage processing and packaging; laundry and dry cleaning plants; auto dismantling and salvage within an enclosed building; stone, clay, and concrete products manufacture (excluding concrete ready-mix plants); metal work; and wood products manufacture and re-manufacture.

Industry, Limited: Manufacturing of finished parts or products, primarily from previously-prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, and Vehicle/Equipment Services.

Mineral Extraction: The extraction of earth material from a borrow pit, for transportation to and use at another location.

Recycling Center: A site, with or without buildings, upon which used materials are

separated and processed for shipment for eventual reuse in new products.

Research and Development: Establishments primarily engaged in research of an industrial or scientific nature, including limited product testing and biotechnology, but excluding manufacturing.

Vehicle/Equipment Services:

Heavy Vehicle/Equipment Repair: Repair of heavy trucks or vehicles, mobile homes, recreational vehicles, or boats; body and fender shops; tire retreading and recapping; and upholstery work. This classification does not include vehicle dismantling or salvage.

Vehicle Storage: Storage of operative or inoperative vehicles. This classification includes storage of parking towaways, impound yards, and storage lots for commercial and recreational vehicles.

Warehousing and Storage: Provision of storage space for household or commercial goods within an enclosed building. This classification includes mini-storage facilities, but excludes trucking terminals.

Wholesaling, Distribution and Storage:

Trucking Terminal: A wholesaling, storage, or distribution facility having more than six heavy trucks on the premises at one time, but excluding trucking accessory to a Limited Industry classification.

Small-Scale: Wholesaling, storage, and distribution having a maximum gross floor area of 5,000 square feet, and having no more than two docks or service bays.

19.05.070 Recreational Classifications. The provisions of this section is to define the various permitted uses in the Recreation and Open Space classifications.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Marina: A facility for the storing, rental, servicing, fueling, berthing, and securing of boats, that may include eating and retail facilities for owners, crews, and guests.

Recreational Facilities, Private: Recreational facilities for the sole use of on-site or project residents and their guests, including swimming pools, spas, sports courts and community clubhouses.

Recreation Facilities, Public: Publicly owned and operated parks, playgrounds, playing fields, gymnasiums, and other facilities for active and passive recreation.

Recreation and Sports, Indoor: The provision of predominantly participant sports and health activities within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts, athletic clubs, and health clubs.

Recreation and Sports, Outdoor: Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include hiking trails, equestrian facilities, driving ranges, golf courses, swimming pools, and tennis courts.

Recreation, Passive: Activities that involve relatively inactive or less-energetic activities, such as walking, hiking, horseback riding, observing, and picnicking.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. "Temporary" in this case shall be defined as occupancy for fewer than 90 continuous days.

Staging Area: An area that provides access to regional park trails and public recreational uses. Public parking and information and interpretive centers are included.

19.05.080 Public and Quasi-Public Classifications. Public and quasi-public use types include utility, educational, cultural, medical, protective, governmental and other uses which are strongly vested with public or social importance.

Ambulance Service: Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

Animal Shelter: Provision of shelter and care for stray animals, including feeding, exercising, grooming and incidental medical care. This classification includes the disposition of animal remains.

Antenna: A non-commercial device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based structures.

Commercial: An antenna used for commercial purposes.

Cemetery: Land used for the burial of human remains and dedicated for cemetery purposes, including crematoriums, mausoleums and mortuaries operated in conjunction with the cemetery.

Charitable Uses: Use by non-profit or benevolent organizations to provide a service beneficial to the general public or to a significant portion of the public for no fee or at a fee recognized as being less than that charged by profit-making organizations.

Club, Lodge: Meeting, recreational or social facilities of a private or non-profit organization primarily for use by members or guests.

Community Center: One or more buildings used for recreational, social, education, or cultural activities, open to the public or a designated part of the public.

Conference Center: A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms.

Cultural Facility: Non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

Day Care Center: A facility, other than day care homes, providing care, supervision, and protection of children or senior citizens on a less than 24-hour basis.

Government Facility: A facility used by a government agency to provide a public service.

Homeless Shelter: A facility, other than a residential care home, operated by a provider, which provides temporary accommodations to homeless persons and/or families and which meet the standards for shelters contained in Title 25, California Administrative Code, Part 1, Chapter P, Subchapter 12, Section 7972. The term "provider" means a government agency or private non-profit organization which provides, or contracts with recognized community organizations to provide emergency or transitional shelter for the homeless, and which has been certified by the City of American Canyon as meeting all applicable provisions contained in the California Health and Safety, and Administrative Codes. "Temporary accommodations" means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months.

Hospital: A facility that provides medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an in-patient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees.

Maintenance and Service Facility: A facility providing maintenance and repair services for publicly-owned vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.

Public Information Center: A facility providing information to visitors to the City and region regarding points of interest, activities, businesses and lodging.

Public Parking: Surface parking facilities that are publicly owned and operated.

Structure: Includes garages and other types of parking located in structures.

Public Safety Facility: A facility for public safety or emergency services, including police and fire protection.

Religious Facility: A facility for religious worship and incidental religious education, but not including schools as defined in this section.

School: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Transportation Terminal: Facilities for loading, unloading, and transferring passengers, baggage, and incidental freight between modes of transportation. This classification includes bus terminals, railroad stations, and public transit stations.

Utilities, Major: Electrical substations, above-ground electrical transmission lines, refuse collection or disposal facilities, water reservoirs, water wells, detention basins, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utilities, Minor: Utility facilities that are necessary to support legally established uses and involve only minor structures, such as electrical distribution lines, gas distribution pipelines, utility poles, and pole transformers, but excluding antennas and antenna towers.

19.05.090 Agricultural Classifications. This Section is intended to implement the General Plan's provision for certain agricultural uses.

Animal Husbandry: Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. This classification includes grazing, ranching, dairy farming, poultry raising, the raising of fur-bearing animals, and the sale and storage of materials produced on-site, but excludes the raising of swine, feed lots, stockyards, slaughterhouses, dead animal rendering and wild animal keeping.

Crop Production: Raising and harvesting of tree crops, row crops, vine crops, or field crops on an agricultural or commercial basis, including packing, processing and storage, but excluding canneries.

Winery: Premises for the production, blending, cellar treatment, storage and bottling of wine other than cider, experimental wine or wine for personal consumption by the producer. Tasting rooms are allowed in conjunction with a primary winery use on the same site.

19.05.100 Accessory Classifications. Accessory uses are uses that are incidental to the principal permitted or conditionally-permitted use or structure on a site and are customarily found on the same lot.

Accessory Dwelling Unit: A dwelling unit located in a commercial zoning district on the same site as a primary permitted or conditionally-permitted use.

Livestock Keeping: The keeping of large animals for personal purposes, including equines, bovines, sheep and goats, but excluding swine, in accordance with the provisions

of Chapter 19.31, *Animal Keeping Regulations*.

Cafeteria: Incidental dining facilities provided for on-site employees and guests of a commercial or industrial use.

Caretaker's Quarters: A dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by a guard, caretaker, or operator of a facility.

Day Care Home, Large: The provision of care, protection and supervision, in the provider's own home, for 7 to 12 children, inclusive, including children under the age of 10 years who reside at the home, on a less than 24-hour basis.

Day Care Home, Small: The provision of care, protection and supervision, in the provider's own home, for six or fewer children, inclusive, including children under the age of 10 years who reside at the home, on a less than 24-hour basis.

Guest House: Detached living quarters of no more than 640 square feet on the same premises as a primary residence for the use of family members, guests or employees of the occupants of such residence, containing no kitchen facilities and not rented or otherwise used as a separate dwelling.

Home Occupation: One or more activities carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

Horticulture, Limited: The raising of vegetables, flowers, ornamental trees and shrubs, or orchard crops for personal use.

Recreational Facilities, Private: Recreational facilities for the sole use of on-site or project residents and their guests, including swimming pools, spas, sports courts and community clubhouses.

Room Rentals: The boarding of up to three paying guests in a single-family dwelling unit.

19.05.110 Temporary Use Classifications. Temporary uses are those allowed for a fixed period of time, with the intent of their discontinuance upon the expiration of the time period.

Animal Show: An exhibition of domestic or large animals for a maximum of seven days.

Circus, Carnival: Provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.

Commercial Filming: Commercial motion picture or video photography at the same location six or fewer consecutive days per quarter of a calendar year in residential districts

or fewer than 15 days per quarter of a calendar year in non-residential districts.

Live Entertainment: Music, comedy, readings, dancing, acting or other entertainment performed on a temporary basis. This classification includes dancing by patrons to live or recorded music.

Mobile Structures: Temporary mobilehomes, mobile offices, mobile classrooms and recreational vehicles used in connection with new subdivisions, construction sites and existing uses of land.

Personal Property Sales: The selling or disposition of personal property at a residence by its occupant(s), or at a church or charity bazaar, subject to the provisions of the Municipal Code.

Retail Sales, Outdoor: Temporary outdoor retail sales of new merchandise on the site of a legally-established retail business which has a direct relationship to existing businesses.

Seasonal Sales: Outdoor retail sales of seasonal items, such as Christmas trees, pumpkins, and holiday flowers.

Street Fair: Temporary provision of games, eating and drinking facilities, retail sales, live entertainment, or similar activities not requiring the use of roofed structures.

Tent: A temporary structure having a roof and/or walls of fabric.

Chapter 19.10

Residential Districts

Sections:

19.10.010	Purpose and Intent
19.10.020	Establishment of Districts
19.10.030	Applicability
19.10.040	Permitted Uses
19.10.050	Lot Area, Yard Setbacks, and Building Coverage Standards
19.10.060	Accessory Structures, Equipment and Uses
19.10.070	Distance Between Buildings in Residential Districts
19.10.080	Fences and Walls
19.10.090	Height Limits
19.10.100	Parking Requirements
19.10.110	Garage Sales
19.10.120	Second Residential Units
19.10.130	Manufactured Homes
19.10.140	Undergrounding of Utilities
19.10.150	Nonconforming Building Lines

19.10.010 Purpose and Intent.

- A. Purpose: The purpose for establishing these Residential Districts, Permitted Uses, and Development Standards is to:
1. Provide appropriately located areas for residential development consistent with the General Plan and with standards of public health and safety established by the Municipal Code;
 2. Ensure adequate light, air, privacy, and open space for each dwelling by establishing reasonable development standards for the mass, scale, and location on a building site for all new residential construction;
 - 3.. Achieve a high standard of site and building design, and design compatibility with surrounding neighborhoods;
 4. Provide for a range of permitted uses and activities within the various Residential Districts; and
 5. Provide sites for public and semi-public land uses needed to complement residential development or requiring location in a residential environment.

- B. Intent: The intent of this Chapter is to establish a range of permitted uses and reasonable development standards to guide the orderly development within each Residential District in a manner consistent with the General Plan's Land Use Schedule and Sub-Area Schedule.

19.10.020 Establishment of Districts. In order to provide sufficient land to meet the housing needs of all existing and future residents of the City, the following Residential Districts are hereby established:

RE (Residential Estate) District

To provide for residential estate areas where the minimum lot size is one acre.

RR (Rural Residential) Districts

To provide for very low-density residential uses and related activities in existing or proposed large-lot residential neighborhoods, and in the peripheral foothill areas of the City. There are two separate RR Districts:

The RR-20000 District requires a minimum lot size of 20,000 square feet.

The RR-10000 District requires a minimum lot size of 10,000 square feet.

RS (Suburban Residential) Districts

To provide for low-density residential uses and related activities in areas of the City predominated by subdivisions with single-family lot patterns, there are two separate RS Districts:

The RS-8000 District with a minimum lot size of 8,000 square feet;

The RS-6500 District with a minimum lot size of 6,500 square feet.

RM (Medium Residential) Districts

To accommodate multi-family residential uses in areas of minimal constraints and ready access to transportation and services, with single-family uses allowed under some circumstances in conformance with the General Plan. Development in the RM-District shall be within the range of five to 12 units per gross acre.

RH (High Residential) Districts

To provide for high-density multi-family residential uses in areas of minimal constraints and ready access to transportation and services, and to provide a range of housing opportunities. There are two separate RH Districts:

The RH-1 District with a density range of 12 to 16 units per gross acre.

The RH-2 District with a density range of 16 to 20 units per gross acre.

19.10.030 Applicability. The provisions of this Chapter shall apply to all uses within the Residential Districts as shown on the Official Zoning District Map of the City of American Canyon. Development within the Residential Districts shall conform with all applicable development standards, regulations, and performance standards of this Title.

19.10.040 Permitted Uses. Table 1 of this Chapter sets forth the permitted and conditionally permitted uses for each Residential District. A "P" designates permitted uses. A "C" indicates conditionally permitted uses subject to approval of a Use Permit by the Planning Commission. If no letter is found opposite a particular use, it is not permitted in that District.

19.10.050 Lot Area, Yard Setbacks, and Building Coverage Standards. Table 2 of this Chapter sets forth the minimum lot area, minimum yard setbacks, and lot coverage standards for each Residential District. The provisions of this Section shall establish the minimum lot area and yard and setback standards for each Residential Zoning District.

- A. Minimum Lot Area: Except as otherwise provided by this Chapter, the minimum lot area shall be determined by multiplying the lot width by the lot depth. The lot width shall be the horizontal distance between the side property lines measured at right angles to the depth at a point midway between the front and rear property lines. The lot depth shall be the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.
1. Flag Lots
 - a. The area of a flag lot's access corridor shall not be included in determining the site area of the lot (see Figure A-2).
 - b. The corridor of land which provides access to a street for a flag lot shall have a minimum street frontage of 16 feet and a minimum width which is less than the required lot width but not less than 16 feet (see Figure A-2).
 2. Width of Residential Corner Lots. The minimum width of corner lots in a Residential District shall be a minimum of 10 percent greater than the minimum width for the District specified in Table 2 of this Chapter.
 3. Depth Adjoining State Highway or Railroad. A lot whose rear lot line abuts a state highway or railroad right-of-way shall have a minimum depth that is at least 20 percent greater than the lot depth standard for the applicable Zoning District.

4. Minimum Lot Frontage on a Cul-de-sac. Unless otherwise approved by the City Council in conjunction with the approval of a Subdivision Map, all lots in the bulb of a cul-de-sac shall have a minimum width or street frontage at the property line of 40 feet.
- B. General Yard Provisions: Except as otherwise provided by this Chapter and specific District regulations, the provisions of this Section apply to the placement of principal structures. The location of accessory buildings, equipment, and uses and the required separation between primary buildings is addressed elsewhere in this Chapter.
1. Point of Measurement. Except as otherwise provided, required yards shall be measured as the minimum horizontal distance from the appropriate front, side, or rear property line or street/alley right-of-way line of the site to a line parallel thereto on the site (see Figure A-1).
 2. Partially-Improved Streets. Where a site abuts a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.
 3. Irregularly-Shaped Lots. On corner lots, through lots, lots with three or more frontages, flag lots, and irregularly-shaped lots where the provisions of this Chapter do not clearly establish the location of yards and lot lines, the Planning Director shall make such determination, using the provisions of this Chapter for guidance.
- C. Projections into Yards. Projections are permitted into yards required for principal buildings as follows, subject to the provisions of the Uniform Building Code:
1. Eaves and cantilevered roofs may project up to two and one-half feet, provided:
 - a. That such eaves or cantilevered roofs are not closer than two and one-half feet to any lot or street line.
 - b. That no portion of such eaves or cantilevered roofs are less than eight feet above grade.
 - c. That there are no vertical supports or members within the required yard (see Figure A-4).
 2. Fireplace structures, buttresses, and wing walls may project up to two and one-half feet (see Figure A-5), provided:

- a. That a minimum 5 feet is provided on the side yard where front yard access is provided.
 - b. That such structures shall not be utilized to provide closets or otherwise increase usable floor area.
 - c. That such fireplace structures are not wider than six feet measured in the general direction of the wall of which it is a part.
3. Bay and greenhouse windows may project up to two and one-half feet, provided:
 - a. That such windows are not closer than two and one-half feet to any lot or street line.
 - b. That there are no vertical supports or members within the required yard.
4. Uncovered porches, platforms, landings, and decks, including access stairs thereto may project up to three feet into required interior side yards, and up to five feet into required front, rear, and corner side yards, provided:
 - a. That such projections shall not be closer than two feet to any lot or street line.
 - b. That such projections are open and unenclosed; provided, however, that an openwork railing not to exceed three and one-half feet in height may be installed.
 - c. That such projections do not exceed any average height of one foot.
 - d. That such projections do not extend above the level of the first floor.
5. Awnings and canopies may project up to two and one-half feet into required interior side yards and five feet into required front, rear, and corner side yards, provided:
 - a. That such awnings or canopies are not closer than two and one-half feet to any lot or street line.
 - b. That such awnings or canopies have no vertical support within such yard.

- c. That such awnings or canopies extend only over the windows or doors to be protected, and for not more than one foot on either side thereof
- 6. Covered patios attached to a dwelling unit may project into a required rear yard, provided:
 - a. That such patio is not closer than five feet to any lot line.
 - b. That such patio shall remain permanently unenclosed on at least two sides. This provision, however, shall not preclude the placement of detachable screens.
 - c. A freestanding patio shall be subject to the same requirements as accessory buildings in rear yards as provided by Section 19.10.060.
- 7. Rain conductors, downspouts, utility-service risers, shutoff valves, sills, capitals, bases, cornices, and belt courses may project up to one foot into a required yard.
- 8. Water heaters, water softeners, and utility meters, including service conduits and pipes, enclosed or unenclosed may project up to two and one-half feet into a required interior side or rear yard, provided that such structures or equipment are not closer than two and one-half feet to any lot line. Gas meters, if enclosed or adequately screened from view by a structure permitted in the yard, may project up to two and one-half feet into a required front or corner side yard.
- 9. Wall and window-mounted air conditioners, coolers, and fans may project into any required yard, provided that such equipment is not closer than two and one-half feet to any lot line.

D. Parking in Required Front Yards.

- 1. In front of any required garage there shall be a permanently surfaced area measuring no less than one foot greater in width on each side of the overhead door and no less than 20 feet in depth.
- 2. No vehicular parking shall be permitted in a required front yard in any Residential District except on an area permanently surfaced (with continuous surfacing to point of access from a public or private street) for parking by paving, gravel, brick, grasscrete, concrete pavers or similar materials. No more than 50% of the required front yard for lots with 60 feet or more of street frontage may be paved and used for vehicular parking. An increased percentage of paved area may be permitted by the

Planning Director on lots with lesser frontage to allow up to a 30-foot wide driveway including flag lots where the entire flag access corridor may be paved.

3. Access to a parking space may only be from an approved driveway approach constructed to City Standards unless otherwise approved by the City Engineer. Handicapped access ramps in City sidewalks shall not be used for access to either a parking space in a front yard or access to a side or rear yard.

- E. **Maximum Building Coverage.** The maximum building coverage allowed in each Residential District is the percentage of the building site covered by all primary and accessory structures on the site, measured horizontally to the outside face of exterior walls or structural members. Open decks and balconies and open breezeways connecting two buildings are not included in lot coverage.

19.10.060 Accessory Structures, Equipment and Uses. Accessory structures, equipment and uses are permitted in required yards of Residential Districts as provided herein:

A. **Accessory Structures.**

1. Accessory structures may be located no closer than 3 feet to the side and rear yards required for the primary structure, provided that in the aggregate, no more than 50 percent of the required rear yard area shall be covered by accessory structures. Accessory structures are permitted only on lots having a primary dwelling.
2. On a reversed corner lot, an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot, and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot.
3. Maximum height of an accessory structure shall be 15 feet.
4. Steel shipping containers may not be located in any Residential District unless it is not visible from any public property or right-of-way.

- B. **Planters.** Planter boxes and masonry planters are permitted in all required yards not to exceed a height of three and one-half feet.

- C. **Swimming Pools:** A swimming pool is permitted in a required rear or side yard provided it is not closer than five feet to any lot line.

- D. **Swimming Pool Equipment and Safety Fences**

1. Swimming pool or spa equipment vaults may be located in a side yard so long as a minimum clear distance is provided between the vault and a fence, wall, or other structure of three feet.
2. Swimming pool or spa equipment vaults may be located adjacent to a rear property line within a required side yard.
3. Required safety fences for swimming pools and spas six feet in height or less may be located within any required side or rear yard.

19.10.070 Distance Between Buildings in Residential Districts. The provisions of this Section shall apply where more than one building is placed on a parcel in a Residential District:

- A. **Distance Between Main Buildings** A minimum distance of 10 feet shall be maintained between all primary residential buildings established on the same lot or parcel of land.
- B. **Distance Between Accessory and Primary Buildings** Except where a greater distance is otherwise required by this Chapter, a minimum distance of six feet shall be required between any primary residential building and an accessory building established on the same lot or parcel of land.
- C. **Projections Between Buildings** The following projections are permitted within the required distance between buildings, provided they are developed subject to the same standards as, and not closer to a line midway between such buildings, than is permitted in relation to a side lot line within a required interior side yard:
 1. Eaves and cantilevered roofs.
 2. Fireplace structures, buttresses, and wing walls.
 3. Rain conductors and spouts, water tables, sills, capitals, cornices, and belt courses.
 4. Awnings and canopies.
 5. Water heaters, water softeners, gas or electric meters, including service conductors and pipes.
 6. Stairways and balconies above the level of the first floor.
 7. Uncovered porches, platforms, landings, and decks, including access stairs thereto, which do not extend above the first floor are permitted within the required distance between buildings without distance restriction.

19.10.080 Fences and Walls. Fences and walls in Residential Districts may be erected and maintained in required yards subject to the standards specified herein. All height limitations applying to fences and walls shall also apply to hedges planted within yards and forming a barrier serving the same purpose as a fence or wall.

A. Location in Yards.

1. Front yards. Fences and walls within a required front yard shall not exceed a height of 42 inches.
2. Corner side yards.
 - a. Fences and walls within a required corner side yard shall not exceed three and one half feet in height where closer than ten feet to the street line, nor exceed six feet in height where ten feet or more from said street line, notwithstanding the provisions of the following subsection related to vision clearance.
 - b. On a corner lot, no fence, wall, hedge, or other artificial obstruction within a triangular area formed by the street property lines and a line connecting points on the street property lines equal to the front setback (for the applicable Zone District but no less than 20 feet) from the street intersection shall exceed a height of three (3) feet above established grade at the edge of the existing or proposed pavement, provided that trees pruned to eight feet above street grade shall be permitted (see Figure A-6).
 - c. Interior side and rear yards. Fences and walls within a required interior side or rear yard shall not exceed six feet in height. When not within required setbacks, maximum fence height shall be 10 feet.
3. Lots of 20,000 square feet or more. On lots of 20, 000 square feet or more, a six-foot (6') high, fifty (50) percent see-through fence (when viewed at a 45-degree angle) may be located within the required front yard setback, if the wall/fence is located within the property line of the subject parcel. If gated, gates for vehicles must be set back a minimum of twenty (20) feet from the property line.

B. Retaining Walls.

1. Retaining walls not exceeding six feet in height are permitted in all yards.
2. Where a retaining wall protects a cut below the natural grade and is located on a front, side, or rear lot line, such retaining wall may be topped

by a fence or wall of the same height that would otherwise be permitted at the location if no retaining wall existed. Where such retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence or wall; providing, however, that in any event an open-work non-view-obscuring fence of three and one-half feet may be erected at the top of the retaining wall for safety.

3. Where a wall or fence is located in a required yard adjacent to a retaining wall containing a fill, such wall or fence shall be set back from said retaining wall a distance of one foot for each foot in height, to up to five feet; provided, however, that this does not permit a wall or fence in required yards higher than permitted by this Section. The area between such wall or fence and said retaining wall shall be landscaped and continuously maintained in an orderly, neat fashion.
- C. Exempted Fences and Walls. Where a fence or wall exceeding the maximum heights specified by this Section is required by any law or regulation of the State of California, a fence or wall not exceeding such required height is permitted.
- D. Measurement of Fence and Wall Height: The height of a fence or wall shall be measured from the highest adjacent grade. In order to allow for variation in topography, the height of a required fence or wall may vary an amount not to exceed six inches; provided, however, that in no event shall the average height of such fence or wall exceed the maximum height specified.
- E. Minor Variation to Fence Height Restrictions/Conditional Fence Permit: The Planning Director, after providing notice to adjacent property owners, may consider approval of a Conditional Fence Permit to allow fence heights up to 2 1/2' higher than those specified in this section for Residential Districts based on the following criteria:
1. The proposed increased fence height will not create negative shading impacts on adjacent properties or impacts are mitigated through use of open fence design features.
 2. The proposed increased fence height incorporates appropriate architectural details and materials that assure compatibility with existing fences and fence patterns.
 3. The proposed increased fence height in a front or exterior side yard area does not create traffic hazards or detract from the neighborhood character by creating visual obstructions to open front yard patterns on an established neighborhood street.

4. Any action by the Planning Director on a Conditional Fence Permit may be appealed to the Planning Commission.

19.10.090 Height Limits.

- A. **Maximum Height:** The maximum building height in each Residential District is set forth in Table 2 of this Chapter.
- B. **Height Measurement:** The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure (see Figure A-7) to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for hip, gable, or gambrel roofs.
- C. **Projections Above Permitted Height.**
 1. Architectural projections such as mechanical equipment enclosures and other appurtenant roof-top structures or penetrations such as skylights, stairwells, and ventilation atria; spires, cupolas, chimneys, and other design elements integral to the overall design character of a building and intended to distinguish its design may be permitted above the height limits where not in conflict with the intent of this Chapter, but may not exceed 20 percent of the horizontal area of the floor area below or 10 feet in height above the main roof above which they are situated.
 2. Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.

19.10.100 Parking Requirements. The requirements of this Section shall apply to all new residential construction and any residential building proposed for alteration or additions except as provided herein. These requirements shall be considered minimum standards. The decision-making authority for a project may require more parking than is required when it finds that due to the characteristics of a project, the application of the above standards may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. Fractional space requirements of .5 or more shall be counted as the next largest whole space.

A. Number of Spaces Required.

1. For each single-family unit, either detached or attached in a condominium or similar project, there shall be at least two enclosed garage spaces.
2. In attached multi-family condominium projects, there shall be at least one guest parking space for each four units.

3. For each apartment unit with one or more bedrooms in a rental multi-family complex of two or more units there shall be at least two covered parking spaces per unit, one of which must be an enclosed garage, the other may be a covered carport.
4. For each four units in a rental multi-family complex there shall be at least one guest parking space.
5. For each Studio unit in a multi-family rental complex there shall be at least one covered parking space.

B. Dimensional Requirements:

1. Required minimum two-car garages for single-family residences shall be 20 feet wide and 20 feet deep.
2. Each enclosed single garage space shall be a minimum of 10 feet wide by 20 feet deep.
3. Each carport space shall be a minimum of 10 feet wide and 20 feet deep.
4. The required clear height for garages and carports shall be no less than seven feet, six inches.

C. Parking Lot Entries: All parking lot or common parking area entries shall have the minimum widths specified in the City's Engineering Standards and Specifications.

D. Landscaping: Surface parking areas of ten or more spaces shall have a landscaped area equal to a minimum of 10% of the parking and circulation area.

E. Screening: Surface parking areas of ten or more spaces adjacent to a public or private street shall have a solid wall, opaque fence, berm, or compact evergreen hedge with a maximum height of 42 inches, measured from the finished surface of the parking area.

F. Location of Parking Spaces

1. Required parking for single-family dwellings and secondary units shall be located on the same lot as the dwelling served, and shall not be located within a required front or street side setback area.
2. Required parking for multifamily dwellings shall be located on the same lot as the dwelling served, or in the case of parking being located in a common area, not more than 150 feet from the dwelling served, and shall not be located within a required front or street side setback area.

- G. Tandem Parking: Tandem parking may be allowed for single- and two-family dwelling units when the tandem space is behind the covered space serving the same unit.
- H. Carports: Any carport or open parking area for five or more cars serving a residential use shall be screened by a solid wall or fence six feet in height, except that the height of a wall or fence adjoining a required front yard or within a front yard setback, shall be not less than two feet or more than forty-two (42") inches.
- I. Garages:
1. Garages shall provide adequate interior area for standard parking spaces.
 2. Garage door openings shall have a minimum height of seven feet and shall be covered by a solid or sectional overhead door which shall be constructed of wood, metal or fiberglass, and painted, stained or treated to be harmonious with the exterior of the residential structure.
 3. For all new construction or remodels and additions where a residence is required to be brought up to current Uniform Codes, all garage interior surfaces shall be finished with gypsum board or equivalent, nailed and taped in accordance with the minimum standards of the Uniform Building Code as adopted by the City. On walls or the ceiling where fire protection or fire rating is required, a minimum of 5/8" gypsum board or equivalent shall be used. On walls or ceilings where fire protection or fire rating is not required, a minimum of 1/2" gypsum board shall be used.
 4. For all garages and carports that may have been previously converted to a habitable space without securing Building Permits, the following conditions shall apply.
 5. Building Permits may be issued for the following cosmetic improvements without requiring any previously converted carports or garages to be updated to current Uniform Codes and inspected:
 - a. A re-roof where no structural changes to the roof are required or proposed and where no chimneys or fireplace or heater vents penetrate the roof;
 - b. Changing windows and doors except in the converted area;
 - c. Interior remodels where no changes are proposed to the converted area or walls contiguous to the converted area.

6. Building Permits may be issued for minor additions to existing rooms, interior and exterior remodel, re-roofing, upgrading windows and doors, and other similar improvements to an existing residence without requiring a previously converted garage or carport to be restored to its original use and configuration so long as that portion of the building that was converted to another use without benefit or building permits or inspections is brought up to the standards of the Uniform Building Codes adopted by Ordinance of the City Council in effect at the time Building Permit are issued for the additional or new work.
7. Where a Building Permit is requested for the addition of one or more bedrooms or the addition of a second floor, the converted area shall be brought into compliance with the Uniform Codes in effect at the time of the Building Permits are issued, and a garage with space for two vehicles shall be provided. Where a two-car garage may not be constructed due to practical difficulties or unusual circumstances such as lot size, lot configuration, or topography, a Variance application may be submitted to the Planning Commission for consideration.

19.10.110 Garage Sales. Garage sales, estate sales (which includes estate auctions), and personal property sales shall be subject to the following regulations:

- A. Merchandise: Only the sale of personal household items is allowed. The sale of items acquired for resale or items assembled or manufactured on the premises (including products from a home occupation but excluding arts and crafts items) for the purpose of resale is prohibited. All transactions shall take place on the property of the owner conducting the event.
- B. Displays: No item for sale shall be displayed within the public right-of-way.
- C. Duration and Frequency: A sale or auction shall not exceed three consecutive days and occur no more than six times per calendar year on any one parcel. This regulation does not preclude the sale of individually advertised items at any time, provided they are not displayed so as to be visible from public view, other than legally parked vehicles and trailers.
- D. Signs: All signs shall conform to the requirements set forth in this Title for Sign Regulations. All signs shall be removed within two days of the estate or garage sale.

19.10.120 Second Residential Units. The purpose of this Section is to increase the supply of smaller units and rental housing units by allowing second residential units on lots containing a single-family dwelling in the various RR and RS Districts, and to establish design and development standards for second residential units to ensure that they are compatible with existing neighborhoods and consistent with the City General Plan and its Elements. This Section is intended to comply with

requirements of the State Government Code (Section 65852.1 et seq.) related to second units.

- A. Definition: "Second unit" means a residential dwelling unit that is part of, an extension to, or on the same lot as a detached single-family dwelling-, and provides permanent and independent provisions for living, sleeping, eating, cooking, and sanitation for one or more persons. "Second unit" includes efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code. A second unit is considered a residential use that is consistent with the General Plan and zoning designations for the lot. Second units are not "accessory uses" as defined in this Title.
- B. Development Standards. Second Dwelling Units shall be permitted in any Planned Community or Specific Plan District, subject to the criteria specified in the approved Planned Development Permit. Second Dwelling Units are permitted in any RR and RS Districts, subject to compliance with the provisions of this Chapter and the following development standards:
 - 1. Location:
 - a. The second unit shall be permitted on a lot in the RR and RS District where one, and only one, primary detached, single-family dwelling is permitted.
 - b. No more than one primary and one second-dwelling unit may be located on any lot.
 - c. Any second unit must conform to all yard area, setback requirements, and lot coverage standards of the underlying Zoning District.
 - 2. Height: A detached second residential unit may not have more than a single story.
 - 3. Maximum Unit Size.
 - a. A detached second unit shall not have more than one bedroom, and shall not contain a gross floor area in excess of 800 square feet except in the RR zone where units up to 1200 square feet in area may be permitted.
 - b. A second unit created by the internal conversion of an existing single-family dwelling shall not occupy more than 30 percent of the total floor area of the building, including any proposed addition, but excluding the garage area.

4. Off-Street Parking.
 - a. A second unit shall be provided with one off-street parking space in addition to the off-street parking spaces required for the on-site single-family dwelling. The space may be uncovered.
 - b. The location of the required parking space shall conform to the requirements of this Chapter.
5. Owner Occupancy. A lot with a second unit shall be the primary residence of its owner. The owner may occupy either the primary or second unit.
6. Subdivision. No subdivision of land or air rights that separates a second unit from the primary unit shall be allowed.
7. Design Standards. Second units shall comply with the following design standards that are intended to maximize the compatibility of second units with the neighborhoods in which they are located.
 - a. The second unit shall be designed so that the appearance of the site remains that of a single-family residence, insofar as possible. Where feasible, any new entrances to a second unit attached to the primary unit shall be located on the side or at the rear of the structure.
 - b. The design of the second unit shall be aesthetically compatible with the primary structure and the surrounding neighborhood, including the coordination of colors, materials, roofing, other architectural features, and landscaping.
 - c. The location and orientation of a second unit shall not materially reduce the privacy otherwise enjoyed by residents of adjoining properties. The Planning Director shall consider, but is not limited to considering, the placement of windows, decks and balconies, landscape screening, height, and number of stories in determining if privacy will be materially reduced.
 - d. The shape and siting of a second unit, and especially of any portions thereof that exceed one story in height shall be such as to minimize the blocking of views and direct sunlight for nearby lots and other residential facilities in the surrounding neighborhood.
8. Approval Process. No second unit may be established until an application for a Conditional Use Permit has been approved by the Planning Commission in accordance with this Title.

9. Required Findings. In addition to the findings required for a Conditional Use Permit, the Planning Commission shall make the following findings before granting a Conditional Use Permit for a second unit:
 - a. The second unit meets all of the development and design standards set forth in this Chapter.
 - b. Public utilities and services are adequate to serve both dwellings on the subject lot.
 - c. The character and integrity of the single-family neighborhood within which the second unit is proposed will be maintained.
10. Deed Restrictions. Before obtaining a building permit for a second unit, the property owner shall file with the County Recorder a declaration of restrictions, containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The second unit shall not be sold separately.
 - b. The second unit is restricted to the approved size, unless modified by future approvals.
 - c. The Conditional Use Permit for the second unit shall be in effect only so long as either the primary residence or second unit is occupied by the owner of record as their principal residence. Should the permit expire for lack of compliance with this requirement, one of the units shall be altered so as to prevent its use as a separate residence (i.e., removal of cooking facilities).
 - d. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall make the conditional use permit for the second unit null and void.

19.10.130 Manufactured Homes.

- A. Intent: It is the intent of the City to provide opportunities for the placement of manufactured homes in Single Family Residential districts, consistent with state law and to ensure that such manufactured homes are designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.
- B. Approval: Approval by the Planning Director is required prior to the issuance of Building Permits for individual manufactured homes on a site in any Residential District, subject to the provisions of this Section. The Planning Director shall

review each proposed manufactured home to determine compatibility in design and appearance with residential structures in the vicinity, based upon design and development criteria set forth in this Section.

- C. Location: Manufactured homes may be located in any Residential District where a single family detached dwelling is permitted, subject to the same restrictions on density and to the same property development regulations.
- D. Design and Development: The design and development criteria set forth herein is intended to protect neighborhood integrity, provide for harmonious relationships between manufactured homes and surrounding uses, and minimize problems that could occur as a result of locating manufactured homes on building sites designated for single family residential uses. Each manufactured home:
1. Shall be at least 18 feet wide, as measured at its narrowest width;
 2. Shall be built on a permanent foundation approved by the Building Official;
 3. Shall have been manufactured after June 15, 1976, and shall be certified under the National Manufactured Home Construction and Safety Act of 1974, and shall be installed in accordance with the provisions of the most recent Edition of the Uniform Building Code adopted by the City;
 4. Shall provide skirting of exterior finish materials extending to the finished grade;
 5. Shall provide exterior siding material compatible with adjacent residential structures; shiny or metallic finishes are prohibited;
 6. Shall have a roof with a pitch of not fewer than 3 inches vertical rise per 12 inches horizontal distance;
 7. Shall have roofing material of concrete or asphalt tile, shakes, or shingles complying with the most recent Editions of the Uniform Building Code adopted by the City;
 8. Shall provide eaves or roof overhangs of not less than one foot as measured from the vertical side of the unit;
 9. Shall maintain a finished floor elevation no higher than 20 inches above the exterior finished grade; and

10. Shall maintain required covered parking in accordance with the provisions of this Chapter. The exterior materials and roofing proposed for any garage shall be the same as those materials used on the main structure.
- E. Cancellation of State Registration: Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a manufactured home, the owner shall provide to the Building Official satisfactory evidence showing that the state registration of the manufactured home has been or will, with certainty, be canceled; if the manufactured home is new and has never been registered with the state, the owner shall provide the Building Official with a statement to that effect from the dealer selling the home.

19.10.140 Undergrounding of Utilites. Prior to the issuance of any permits for new development in any Residential District, utility service to the site shall be undergrounded in accordance with the requirements of the Public Works Department unless otherwise approved by the City Engineer and Planning Director.

19.10.150 Nonconforming Building Lines. Where an existing, legal, non-conforming structure encroaches into a setback which was established after the building was constructed, the existing building line may be continued, subject to Planning Director approval.

Table 1
Permitted and Conditionally Permitted Uses
Residential Districts

RESIDENTIAL DISTRICT	ZONING DISTRICTS					
Use Classifications	RE	RR	RS	RM	RH	Related Provisions
Residential						
Congregate Living Facility	-	-	-	P	P	
Farm Employees Housing	-	-	-	-	-	
Garden Apartments	-	-	-	P	P	
Mobile Home	C	C	C	-	-	
Mobilehome Park	-	-	-	C	C	Chapter 19.10
Multi-Family Residential	-	-	-	P	P	
Residential Care Home	-	P	P	-	-	
Second Residential Unit	C	C	C	-	-	Chapter 19.10
Single Family Residential						
- Detached	P	P	P	P ¹	P1	¹ GP Policy 1.8.3
- Semi-Detached	-	P ¹	P ²	P	P	¹ GP Policy 1.7.1 ² GPPolicy 1.7.2
Townhouses	-	-	-	P	P	
Commercial						
Adult Business	-	-	-	-	-	
Animal Sales and Service	-	-	-	-	-	
- Boarding Kennel	-	-	-	-	-	
- Grooming	-	-	-	-	-	
- Medical Care	-	-	-	-	-	
- Retail Sales	-	-	-	-	-	
Bank, Savings and Loan	-	-	-	-	-	
- Drive-Up Service	-	-	-	-	-	
- Walk-Up Service	-	-	-	-	-	
Building Materials and Services	-	-	-	-	-	
Catering	-	-	-	-	-	
Commercial Printing	-	-	-	-	-	
- Limited Printing	-	-	-	-	-	
Communication Services	-	-	-	-	-	
Entertainment, Indoor	-	-	-	-	-	
- Amusement Center	-	-	-	-	-	
- Gaming	-	-	-	-	-	
Funeral and Interment Services	-	-	-	-	-	
Health Services	-	-	-	-	-	
Laboratory	-	-	-	-	-	
Lodging Services						
- Bed and Breakfast Inn	C	C	-	-	-	
Long-Term Care Facility	-	-	-	-	-	

RESIDENTIAL DISTRICT	ZONING DISTRICTS					
Use Classifications	RE	RR	RS	RM	RH	Related Provisions
Maintenance and Repair Services	-	-	-	-	-	
Nursery	-	-	-	-	-	
Offices, Business, and Professional	-	-	-	-	-	
On-Premise Liquor Consumption	-	-	-	-	-	
- Tasting Room	-	-	-	-	-	
Pawnshops	-	-	-	-	-	
Personal Improvement Services	-	-	-	-	-	
- Night Use	-	-	-	-	-	
Personal Services	-	-	-	-	-	
Recycling Collection Center	-	-	-	-	-	
Restaurant	-	-	-	-	-	
- Night Use	-	-	-	-	-	
Restaurant, Take Out	-	-	-	-	-	
-Night Use	-	-	-	-	-	
Retail Food Sales	-	-	-	-	-	
- Convenience Store	-	-	-	-	-	
- Liquor Store	-	-	-	-	-	
Retail Sales	-	-	-	-	-	
- Limited	-	-	-	-	-	
- Visitor Oriented	-	-	-	-	-	
Vehicle/Equipment Sales and Service	-	-	-	-	-	
- Automobile Rental	-	-	-	-	-	
- Automobile Washing	-	-	-	-	-	
- Service Station	-	-	-	-	-	
- Vehicle/Equipment Repair	-	-	-	-	-	
- Vehicle/Equipment Sales, Lease and Rentals	-	-	-	-	-	
Wholesaling, Commercial	-	-	-	-	-	
Industrial						
Hazardous Use	-	-	-	-	-	
Industry, General	-	-	-	-	-	
Industry, Limited	-	-	-	-	-	
Mineral Extraction	-	-	-	-	-	
Recycling Center	-	-	-	-	-	
Research and Development	-	-	-	-	-	
Vehicle/Equipment Services	-	-	-	-	-	
- Vehicle/Equipment Repair	-	-	-	-	-	
- Vehicle Storage	-	-	-	-	-	
Wholesaling, Distribution and Storage	-	-	-	-	-	
- Trucking Terminal	-	-	-	-	-	
- Small Scale	-	-	-	-	-	

RESIDENTIAL DISTRICT	ZONING DISTRICTS					
Use Classifications	RE	RR	RS	RM	RH	Related Provisions
Recreational						
Campground	-	-	-	-	-	
Marina	-	-	-	-	-	
Recreational Vehicle Park	-	-	-	-	-	
Recreational Facilities, Private	-	-	-	-	-	
Recreational Facilities, Public	C	P	P	P	P	
Recreation and Sports, Outdoor	C	C	C	C	C	
Recreation, Passive	C	C	C	C	C	
Staging Area	C	C	C	-	-	
Public and Quasi-Public						
Ambulance Service	-	-	-	-	-	
Animal Shelter	-	-	-	-	-	
Antenna	-	P	P	P	P	
-Exceeding Height Limitations	-	C	C	C	C	
Cemetery	-	-	-	-	-	
Charitable Uses	-	-	-	-	-	
Club, Lodge	-	-	-	-	-	
Community Center	-	-	C	C	C	GP Policy 1.12.1
Conference Center	-	-	-	-	-	
Cultural Facility	-	-	C	C	C	GP Policy 1.121
Day Care Center	C	C	C	C	C	GP Policy 1.23.5
Government Facility	-	-	-	-	-	
Homeless Shelter	-	-	-	C	C	Chapter 19.42
Hospital	-	-	-	-	-	
Maintenance and Service Facility	-	-	-	-	-	
Public Information Center	-	-	-	-	-	
Public Parking	-	-	-	-	-	
- Structure	-	-	-	-	-	
Public Safety Facility	C	C	C	C	C	
Religious Facility	C	C	C	C	C	GP Policy 1.23.4
School	C	C	C	C	C	GP Policy 1.12.1
Transportation Facility	-	-	-	-	-	
Utilities, Major	-	C	C	C	C	
Utilities, Minor	-	P	P	P	P	
Agriculture						
Animal Husbandry	P	-	-	-	-	
Crop Production	P	-	-	-	-	
Winery	-	-	-	-	-	
Accessory						
Accessory Dwelling Unit	C	C	C	-	-	

RESIDENTIAL DISTRICT	ZONING DISTRICTS					
Use Classifications	RE	RR	RS	RM	RH	Related Provisions
Livestock Keeping	P	P	P	-	-	Chapter 19.31
Cafeteria	-	-	-	-	-	
Caretaker's Quarters	C	-	-	-	-	
Day Care Home, Large	-	C	C	-	-	
Day Care Homes, Small	P	P	P	P	P	
Guest House	C	C	C	-	-	
Home Occupation	P	P	P	P	P	Chapter 19.29
Horticulture, Limited	P	P	P	P	P	
Recreational Facilities, Private	-	-	-	-	-	
Room Rentals	-	C	C	-	-	
Temporary						
Animal Show	C	-	-	-	-	
Circus, Carnival	-	-	-	-	-	
Commercial Filming	C	C	C	C	C	
Live Entertainment	-	-	-	-	-	
Mobile Structures	C	C	C	C	C	Chapter 19.30
Personal Property Sales	P	P	P	P	P	
Retail Sales, Outdoor	-	-	-	-	-	
Seasonal Sales	-	-	-	-	-	
Street Fair	-	-	-	-	-	
Tent	-	-	-	-	-	

Table 2
Schedule of Residential District Regulations

Zoning Districts	RE	RR- 20000	RR- 10000	RS-8000	RS-6500	RM	RH
Maximum Density	One unit/acre max.	2 units/acre	4 units/acre	5 – 6 units/acre	6-7 units/acre	Per General Plan	Per General Plan
Minimum area per lot	43,560 sq. ft.	20,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	6,500 sq. ft.	20,000 sq. ft. ¹	20,000 sq. ft. ¹
Minimum width per lot	200 feet	75 feet	70 feet	65 feet	60 feet	100 feet ¹	100 feet ¹
Minimum depth per lot	200 feet	120 feet	110 feet	100 feet	90 feet	100 feet ¹	100 feet ¹
Minimum front yard	10% of lot depth	20 feet	20 feet	15 feet	15 feet	15 feet	20 feet
Garage:		--	--	20 feet	20 feet	20 feet	--
Minimum side yard							
first story							
second story	10% of lot width	10 feet	10 feet	5 feet	5 feet	5 feet	5 feet
street side of		10 feet	10 feet	8 feet	8 feet	10 feet	10 feet
corner lot		10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Minimum rear yard	25% of lot depth	20 feet	20 feet	20 feet	15 feet	10 feet	10 feet
Maximum building coverage	30%	30%	30%	40%	40%	50%	50%
Maximum number of stories	2.5	2.5	2.5	2.5	2.5	3	3
Maximum building height							
main structure	35 feet	35 feet	35 feet	35 feet	35 feet	42 feet	42 feet
detached accessory bldg.	20 feet	15 feet	15 feet	15 feet	15 feet	15 feet	15 feet

1. Applies only to the new parcels created after the effective date of the Zoning Code.

Figure A – 1
Yard Measurements

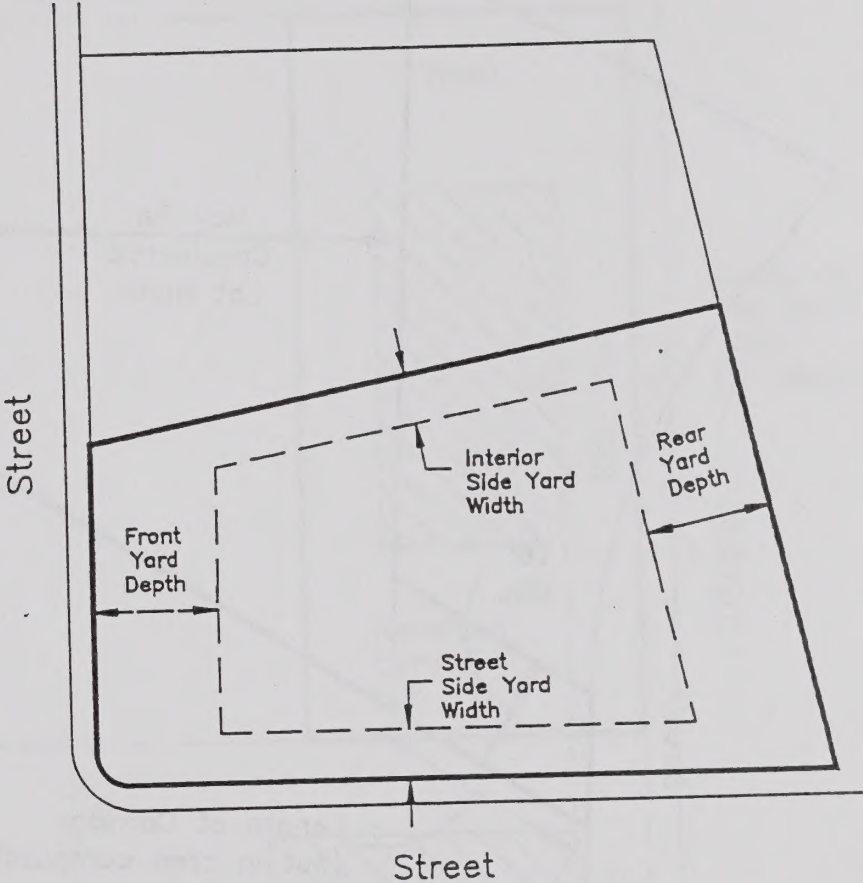


Figure A – 2
Flag Lots

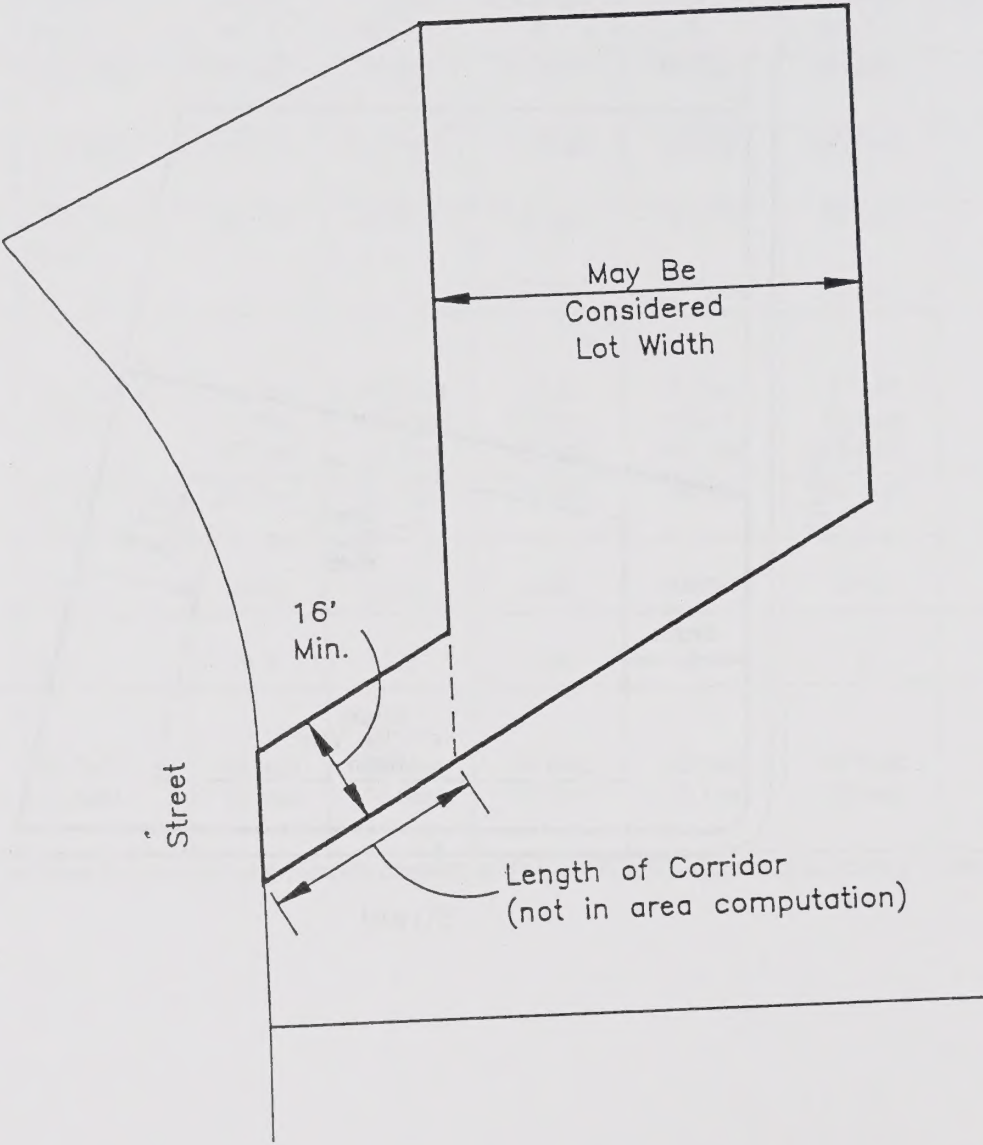


Figure A – 3
Corner Sideyard on Reverse Corner Lot

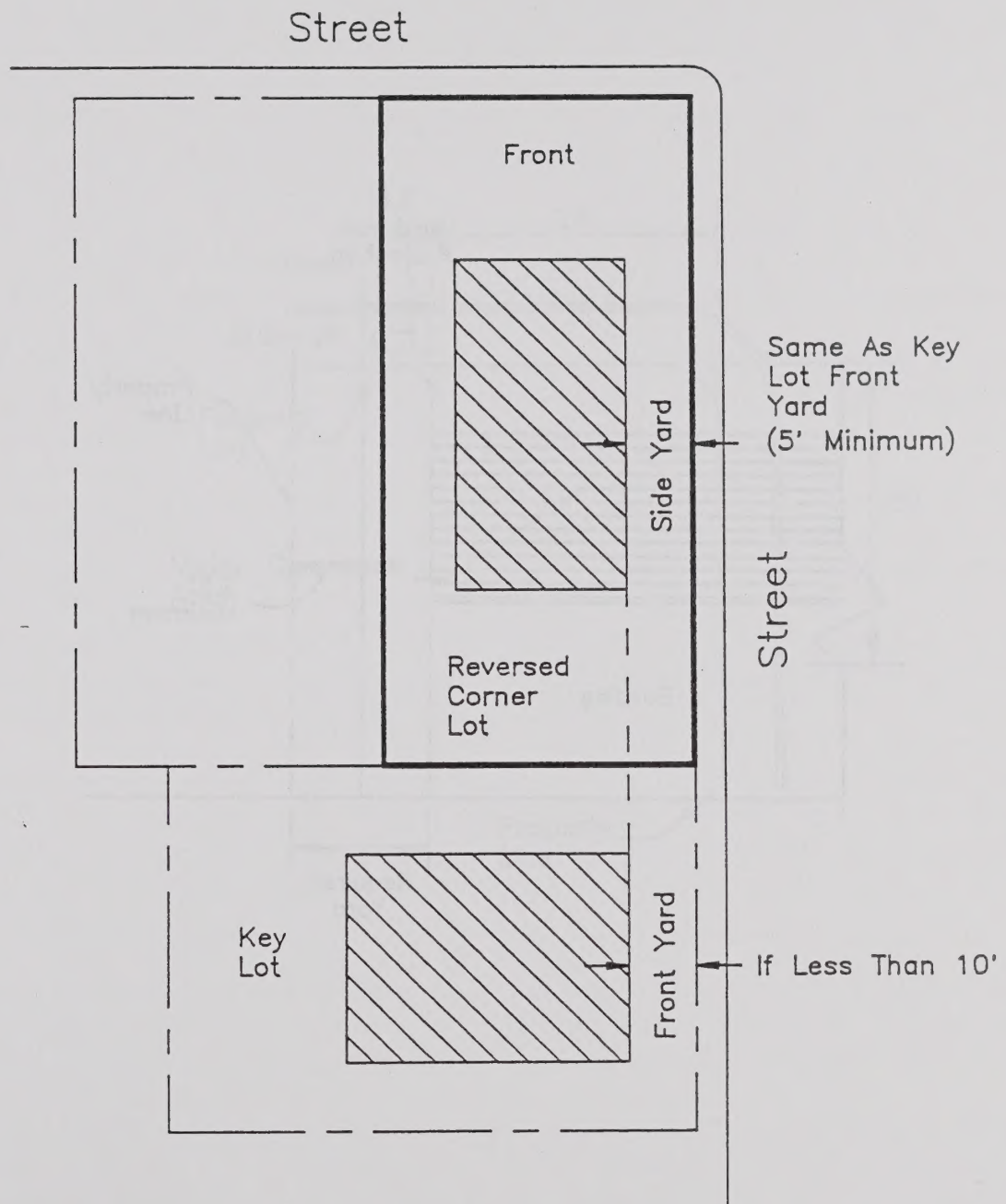


Figure A – 5
Fireplace Structures in Required Yards

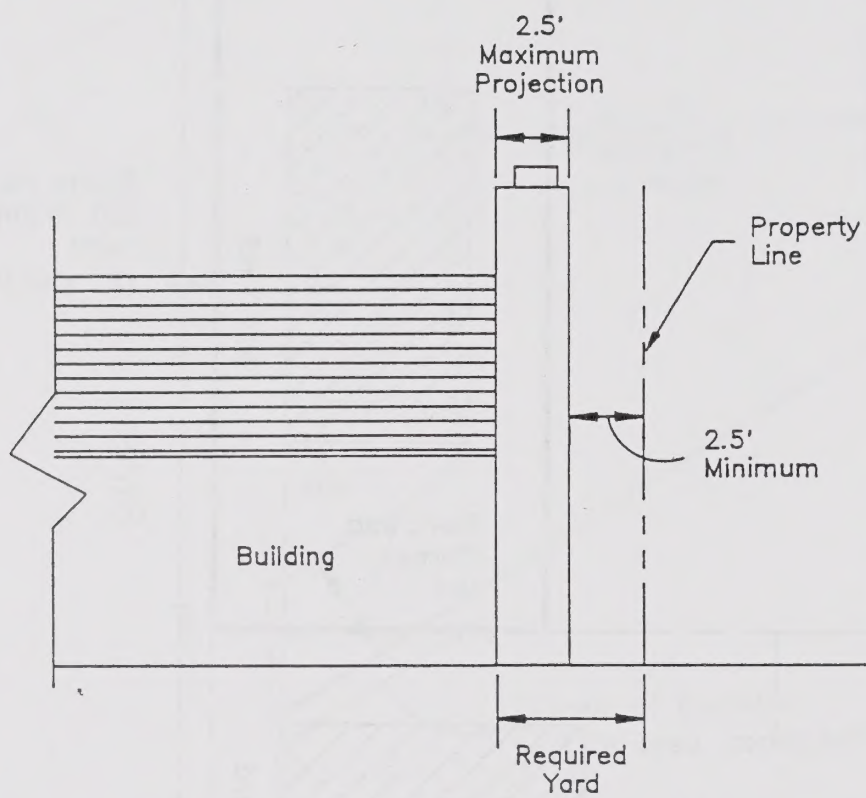


Figure A – 6
Corner Lot Vision Clearance

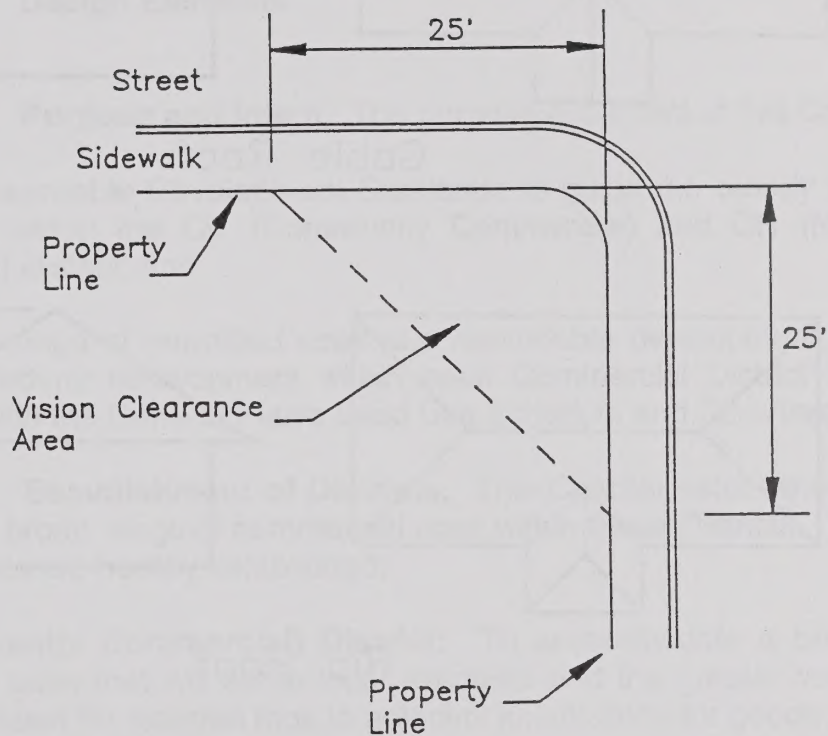
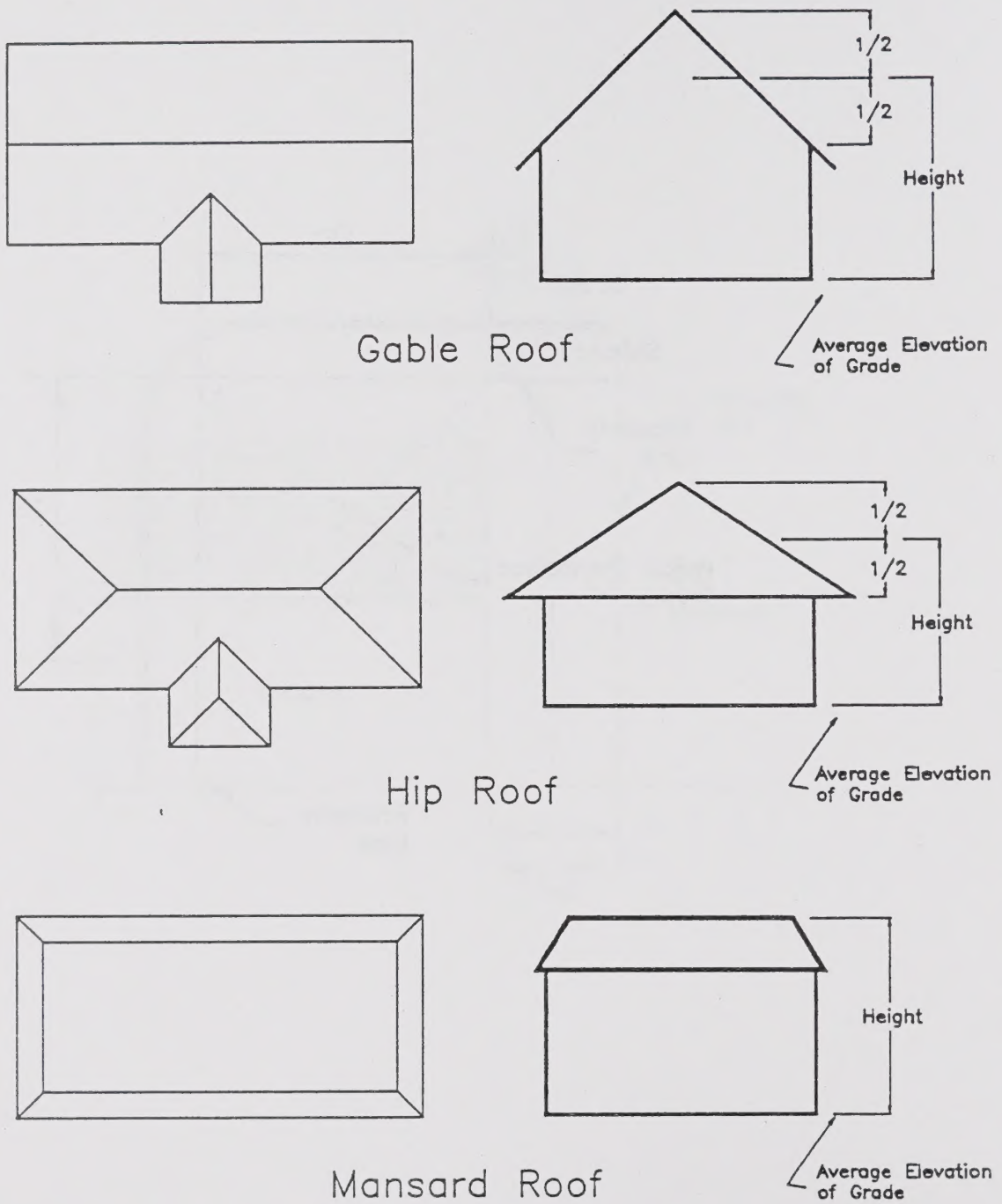


Figure A – 7
Building Height Measurement



Chapter 19.11

Commercial Districts

Sections:

19.11.010	Purpose and Intent
19.11.020	Establishment of Districts
19.11.030	Applicability
19.11.040	Permitted Uses
19.11.050	Development Standards
19.11.060	Automobile Parking Requirements
19.11.070	Loading Requirements
19.11.080	Bicycle Parking Requirements
19.11.090	Design Elements

19.11.010 Purpose and Intent. The purpose and intent of this Chapter is to:

- A. Establish reasonable Development Standards to guide the orderly development of property within the CC (Community Commercial) and CN (Neighborhood Commercial) District; and
- B. Establish a range of permitted uses and reasonable development standards to guide the orderly development within each Commercial District in a manner consistent with the General Plan's Land Use Schedule and Sub-Area Schedule.

19.11.020 Establishment of Districts. This Chapter establishes two Zoning Districts to allow a broad range of commercial uses within those Districts. The following Commercial Districts are hereby established:

CC (Community Commercial) District: To accommodate a broad range of commercial uses that will serve local residents and the greater community and reduce the need for external trips to adjacent jurisdictions for goods and services, and provide shopping and service opportunities for commuters, visitors, and tourists.

CN (Neighborhood Commercial) District: To encourage a limited range of retail and service commercial uses that are oriented to the day-to-day needs of the local residents, at a scale compatible with adjacent neighborhoods.

19.11.030 Applicability. The provisions of this Chapter shall apply to all uses within the Commercial Districts as shown on the Official Zoning District Map of the City of American Canyon. Development within the Commercial Districts shall conform with all applicable development standards, regulations, and performance standards of this Title.

19.11.040 Permitted Uses. Table 1 of this Chapter sets forth the permitted and conditionally permitted uses for each Commercial District. A "P" designates a permitted use. A "C" indicates a conditionally permitted use subject to approval of a Use Permit by the Planning Commission. If no letter is found opposite a particular use, it is not permitted in that District.

19.11.050 Development Standards. Table 2 of this Chapter sets forth the minimum lot area, minimum yard setbacks, and lot coverage standards for each Commercial District.

Table 2

Zoning District	CN	CC
Minimum Area Per Lot	10,000 sq.ft	1 acre
Minimum Width Per Lot	200 feet	200 feet
Minimum Depth Per Lot	100 feet	100 feet
Minimum Front Yard	10 feet	20 feet
Minimum Side Yard	10 feet	10 feet
Street side of corner lot	10 feet	15 feet
Minimum Rear Yard	20 feet	10 feet
Min. Setback from Hwy. 29	40 feet 50 ft. av.	40 feet 50 ft. av.
Density		
Nonresidential	0.35 FAR	0.35 FAR
Mixed-use structure	N/A	0.60
Residential portion	N/A	0.25 FAR
Commercial portion	N/A	0.35 FAR
Maximum no. of stories	2	2
Nonresidential uses	2	2
Mixed-use structure	2	2
Residential structure	2	2
Maximum building height	30 feet	35 feet

* Where an existing legal, non-conforming, structure encroaches into a setback, which was established after the building was constructed, the existing building line may be continued subject to the Planning Director approval.

19.11.060 Automobile Parking Requirements.

A. General Provisions:

1. The requirements of this Chapter shall apply to the establishment, alteration, or change in any use or structure, except as may be provided for herein. Parking required by this Chapter shall be provided at the time any building or structure is erected or enlarged or a use is

established, changed, or expanded. The word "use" shall mean both the type and intensity of the use.

2. When a change in use or expansion in floor area within an existing development increase by 20 percent or more the amount of off-street parking or loading required by the previous use, parking or loading spaces shall be provided in addition to the number existing prior to the change in use or enlargement, unless the pre-existing number is greater than the number required by this Chapter for the previous use, in which case the number in excess of the prescribed minimum may be deducted from the number required to be provided to serve the change in use or enlargement.
3. Required parking spaces shall not be located within any front or side yards setback areas.
4. Except as may be provided for this Chapter, required parking spaces required shall be located on the same lot or parcel of land and within 300 feet of the use they serve. Such distance shall be computed from the nearest point of a structure's public access to the nearest point of parking area.
5. The Planning Commission may approve deviations from these standards by Use Permit.

B. Number of Spaces Required:

1. Except as may be provided for this Chapter, automobile parking spaces shall be provided in the number set forth in Table 3 of this Chapter. These requirements shall be considered minimum standards. The decision-making authority for a project may require more parking than is required by Table 3 when it finds that due to the characteristics of a project, the application of the above standards may lead into traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots.
2. Fractional space requirements of .5 or more shall be counted as the next largest whole space.
3. When two or more use are located in the same building or structure, or are within the same common development, the parking requirements shall be the sum of the separate requirements for each use, except as specifically provided in this Chapter.

4. Requirements for uses not specifically listed herein shall be determined by the decision-making authority for a project, based upon the requirements for comparable uses and upon the particular characteristics of the use.
5. Handicapped parking shall be provided according to the latest standards established by the State of California.
6. No area may be utilized and counted both as a required parking space other than for company owned vehicles periodically stored for onsite loading.

Table 3

Elementary School	2 per classroom, plus 1 per 5 fixed seats in an auditorium or per 50 square feet of non-fixed seating area.
High School	5 per classroom, plus 1 per 5 fixed seats in an auditorium or per 50 square feet of non-fixed seating area.
Pre-schools; day care centers	1 per staff members, plus 1 for each 10 children.
<i>Additional parking or designated area for drop-off and pick-up of students for the above uses may be required</i>	
Religious assembly	1 per 4 fixed seats in the principal sanctuary, or 1 per 9 linear feet of fixed benches, or 1 per 50 square feet of non-fixed seating area.
Offices, business and professional	1 per 300 s.f. of gross floor area
Retail sales, general	1 per 300 square feet of gross floor area
Retail sales, food	1 per 250 square feet of gross floor area
Bulky merchandise sales, including furniture, household appliances, and building materials	1 per 500 square feet of gross floor area
Vehicle/equipment sales; nursery	1 per 500 sq. ft. of gross floor area within any showroom, plus 1 per 1,000 sq.ft. of outdoor display or sales area for the first 10,000 square feet; then 1 per 5,000 square feet of outdoor display or sales area thereafter.
Wholesaling, commercial	1 per 500 square feet of gross floor area
Restaurant, including those providing liquor consumption	1 per 100 square feet of gross floor area. A minimum of 5 spaces shall be provided for such use.
On-premise liquor consumption as a primary use	1 per 100 square feet of gross floor area. A minimum of 5 spaces shall be provided for such a use.
Bank; savings and loan	1 per 200 square feet of gross floor area in public area (excluding vault), plus 1 per 300 square feet of gross floor area for general office uses.
Health services	1 per 200 square feet of gross floor area
Long-term care facility	1 per 2 beds
Personal services	1 per 200 square feet of gross floor area
Lodging services	1 per guest room or unit, plus 1 per 10 rooms or

	units, plus 1 per 50 square feet of gross floor area in any public meeting room, plus 75% of the requirement for other associated uses
Recreational vehicle park	1 per recreational vehicle site.
Funeral and internment services	1 per 4 fixed seats, or 1 per 9 linear feet of fixed benches, or 1 per 50 square feet of non-fixed seating area, whichever is greater.
Amusement center; nightclub, gaming	1 per 100 square feet of gross floor area
Bowling alley	5 per lane, plus requirements for any related commercial uses
Health club; spa; dance studio	1 per 100 square feet of gross floor area accessible to members or clients, including any pool area.
Game court	3 per court
Golf course	6 per hole, plus 1 per 50 square feet of gross floor area in any public meeting room plus 75% of the requirement for other associated uses.
Vehicle repair	4 per repair stall
Service station	1 per pump island, plus 1 per service bay
Car wash, full serve	1 per 2 employees on the maximum shift, plus vehicle stacking are equal to 3 time the capacity of the enclosed washing operation.
Car wash, self serve	2 spaces for drying and cleaning purposes per stall, plus 2 reservoir spaces in front of each stall.
Self-storage facilities	.1 per employee A minimum of 5 spaces shall be provided for such use.

C. Shared Parking:

1. The number of required parking spaces may be reduced for projects comprised of uses that generate parking needs primarily at different times, and that cooperatively establish and operate shared parking facilities.
2. Shared parking may be approved through a Conditionally Use Permit for existing development. Where shared parking is proposed for new development as part of a Design Permit or Conditional Use Permit application, the request shall be processed concurrently with said applications. Nothing in this section shall preclude the reviewing authority from placing additional conditions to protect the health, safety and welfare of the residents of the City or to establish the number or percentage of parking spaces to be shared.
3. The applicant shall provide substantial evidence and documentation (including a description of all uses and operating characteristics) that a sufficient number of spaces are being provided to meet the parking demand of all participating uses at any given time of the day, week or year.

4. All shared parking spaces shall be located so as to be reasonably accessible to the uses they serve, and shall not be separated from such uses by any street, unless otherwise approved by the decision-making authority.
5. Reasonable pedestrian connections shall be provided from any shared parking spaces to all the uses that they serve.
6. Covenants, conditions and restrictions (CC&R's), deed restrictions or other agreements as may be required by the decision-making authority shall be executed and recorded, ensuring that required parking is provided and that the uses and operating characteristics of all participating uses are maintained.

D. Dimensional Requirements:

1. **Standard Spaces:** Required minimum parking dimensions are indicated in Table 4. Minimum dimensions shall not include any landscaped areas.

Table 4
Minimum Parking Dimensions for Standard Stalls

Parking Angle (PA)	Minimum Stall Dimensions			Minimum Aisle Widths (A)	
	Width (W)	Depth (D)	Length (L)	One-Way	Two-Way
Parallel	8'	n/a	22'	18'6"	20'
30 degrees	9'	16'	18'	12'	20'
45 degrees	9'	19'	18'	14'	20'
60 degrees	9'	20'	18'	20'	20'
90 degrees	9'	18'	18'	25'	25'

2. **Compact spaces.** Reduced dimensions of 8 feet in width and 16 feet in length (90 degree stalls) may be allowed for uncovered parking spaces for uses that have at least 12 parking spaces. Compact spaces shall not exceed 20% of the total required parking spaces. Compact spaces shall be clearly indicated by appropriate markings and signage.

E. Striping and Surfacing: All parking lots shall be permanently surfaced and striped in accordance with the City's *Engineering Standards and Specifications*.

- F. **Parking Lot Entries:** All parking lot entries shall have the minimum widths specified in the City's *Engineering Standards and Specifications*.
- G. **Curbing and Walkways.**
1. Continuous concrete curbing at least six inches high and six inches wide shall be provided at least three feet from any wall, fence, property line, walkway, or structures where parking and/or drive aisles are located adjacent thereto. Curbing may be left out at structure access points.
 2. The clear width of a walkway that is adjacent to overhanging parked cars shall be at least four feet.
 3. Individual wheel stops shall not be used.
- H. **Drainage.** All required off-street parking areas shall be so designed that surface water will not drain over any sidewalk or adjacent property.
- I. **Landscaping.**
1. Surface parking areas of ten or more spaces shall have a landscaped area equal to a minimum of 10% of the parking and circulation area.
 2. Landscaped areas shall be distributed throughout the parking area as evenly as possible. In larger parking areas (two or more maneuvering aisles), interior landscaping shall be used to visually separate the parking area into small spaces. Parking row ends shall be protected by landscaped planters.
 3. Landscaped areas shall have a minimum width of five feet.
 4. A minimum of one tree shall be provided for every six parking spaces in a double-loaded layout, and one for every three spaces in a single-loaded layout. The trees shall be located so as to visually disrupt long rows of parked vehicles; trees may be clustered. Canopy-type trees should be used to provide a relatively consistent tree cover which will shade the pavement and vehicles.
 5. A landscaped strip shall be provided adjacent to any public or private street wherever parking or circulation is generally or immediately located adjacent to such rights-of-way.
 6. Defined pedestrian routes shall be incorporated into parking and landscaped areas.

7. Landscape areas shall be bordered by a concrete curb that has a minimum height and width of six inches. Landscaped planters within parking areas may be diamond-shaped in design.

J. Screening.

1. Where vehicles are to be parked immediately adjacent to a public or private street, a solid wall, opaque fence, berm, or compact evergreen hedge with a maximum height of 30 inches, measured from the finished surface of the parking area shall be provided.
2. Where a parking or loading area in an Industrial district is located directly across a street or alley from a residential district, a solid wall, opaque fence, berm, or compact evergreen hedge not less than 6 feet in height shall be located on the property line.

K. Lighting.

1. Public parking areas designed to accommodate three or more vehicles shall have lighting facilities capable of providing sufficient illumination at every point of the parking area. A lighting study demonstrating that a minimum of one foot candle will be maintained across the surface of the parking area may be required by the Planning Director.
2. Any parking area illumination, including security lighting shall be so arranged as to reflect away from adjoining properties and rights-of-way.

L. Location of Parking Spaces.

1. Parking shall be designed so that all maneuvering may occur on-site and that all vehicles may enter an abutting street in a forward direction.
2. No space in a parking lot shall be located so that a vehicle must maneuver within 20 feet of a vehicular entrance, measured from the property line.

- M. Maintenance. All required parking facilities and areas, including landscaping, surfacing, and striping shall be permanently maintained in good condition, free of weeds, litter and debris.

19.11.070 Loading Requirements.

- A. Number Required. Loading spaces shall be provided for all industrial uses according to the Table below for the specified uses. The decision-making authority may require more loading spaces than are required by the Table to insure that a sufficient off-street loading area will be provided to accommodate

routine operations in a safe and convenient manner. Required loading spaces shall be designated as such and restricted to such use.

Use	Gross Floor Area	Minimum Loading Spaces
Commercial (non-office)	<5,000 sq. ft. 5,000 - 20,000 sq. ft.	None One
Office	<20,000 sq. ft. 20,000 - 40,000 sq. ft.	None One
Manufacturing, wholesale, warehousing, industrial	<20,000 sq. ft.	One
All of the above uses	Each additional 20,000 sq. ft.	One additional space

B. Minimum Dimensions. Each loading space shall have an unobstructed minimum dimension of 12 feet in width, 45 feet in length, and 14 feet in height. Larger spaces may be required by the decision-making authority to ensure that a sufficient off-street loading and unloading area will be provided to accommodate routine delivery or shipment operations in a safe and convenient manner.

C. Location of Loading Spaces.

1. Loading spaces required by this Chapter shall be located immediately adjacent to the exterior wall of the building they serve or within the building and should minimize potential impacts on adjacent uses.
2. Loading spaces shall not be located in any required front or side yard.
3. Loading spaces should be so located and designed that trucks shall not be required to back into a public street for ingress or egress. Truck maneuvering areas should be provided on-site where necessary to comply with this requirement.
4. Loading spaces should be concealed from off-site view to the maximum extent feasible.
5. Where a loading area in a commercial or industrial district is located directly across a street or alley from a residential district, a solid wall, opaque fence, or compact evergreen hedge not less than 6 feet in height shall be located on the property line.

19.11.080 Bicycle Parking Requirements.

- A. Bicycle parking shall be provided in commercial and employment areas according to the Table below.

Total Automobile Parking Spaces	Minimum Number of Bicycle Spaces	Total Automobile Parking Spaces	Minimum Number of Bicycle Spaces
1 – 4	0	75 - 99	6
5 – 14	1	100 - 199	7
14 – 29	2	200 - 299	8
30 – 44	3	300 - 399	9
45 – 59	4	400 and greater	10
60 – 74	5		

Bicycle parking should be located in highly visible locations and should be lockable.

19.11.090 Design Elements. It is the intent of the General Plan and this Chapter to ensure that all new construction and major alterations or additions to existing commercial buildings be designed to exhibit a high quality of architectural character and emphasize a low scale village environment. All new construction and major alterations or additions to existing commercial buildings shall include one or more of the design features, components, or materials in those portions of the building visible from any public right-of-way set forth in this section.

- A. Architectural features and elements shall include a craftsman/mountain village theme or turn of the century agricultural or winery compound.
- B. Materials and design components that are indigenous to the Napa Valley, including but not limited to, exposed heavy timbers for structural supports trellis features, and gable roof elements; stone foundations and rock based pillars with heavy timber support elements; wood or split stone or masonry siding; and metal roofs should be integrated into the project design.
- C. Exposed structural steel for support is encouraged, but stainless steel and mirrored glass elements should be discouraged.
- D. Façade elements should include the articulation and modulation to provide visual interest.

- E. Visually and physically transparent building elements such as windows and doors with glass panels should be provided along the majority of the ground elevation facing street frontages and primary parking areas.
- F. Mechanical equipment shall be screened from view using materials and design elements consistent with the overall project.

Table 1
Permitted and Conditionally-Permitted Uses

Use Classification	Zoning District		Related Provision
	CN	CC	
Residential			
Congregate Living Facility	-	-	
Farm Employees Housing	-	-	
Garden Apartments	-	-	
Mobile Home	-	-	
Mobile Home Park	-	-	
Multi-Family Residential	C	C ¹	¹ GP Policy 1.15
Residential Care Home	-	-	
Second Residential Unit	-	-	
Single Family Residential			
Detached	-	-	
Semi-Detached	-	-	
Townhouses	-	-	
Commercial			
Adult Business	-	C	
Animal Sales and Services			
Boarding Kennel	-	C	
Grooming	P	P	
Medical Care	P	P	
Retail Sales	P	P	
Bank, Savings and Loan	P	P	
Drive-Up Service	-	P	
Walk-Up Service	P	P	
Bookstores	P	P	
Building Materials and Services	-	C	
Catering	P	P	
Commercial Printing	-	P	
Limited Printing	P	P	
Communication Services	-	P	
Drugstores	P	P	
Eating and Drinking Establishments	P	P	
Entertainment, Indoor	C	P	
Amusement Center	C	C	

Use Classification	Zoning District		Related Provision
	CN	CC	
Gaming	-	C	
Food Sales	P	P	
Funeral and Internment Services	-	C	
Gas Stations and Automobile Service Facilities	C	C	
Grocery and Drug Stores	P	P	
Health Services	P	P	
Household Good Sales	P	P	
Laboratory	-	P	
Lodging Services	-	C	
Bed and Breakfast	-	C	
Long-Term Care Facility	-	P	
Maintenance and Repair Services	-	P	
Mini-Storage /Public Storage Facility	-	-	
Nursery	P	P	
Offices, Business and Professional	P	P	
On-Premise Liquor Consumption	-	C	
Tasting Room	-	C	
Outdoor Sales and Displays	-	P	
Overnight Accommodations, Lodging Services	-	P	GP Policy 1.15
Pawnshops	-	P	GP Policy 1.14
Personal Improvement Services	C	C	
Night Use	P	P	
Personal Services	P	P	
Professional and Medical Offices	P	P	
Recycling Collection Center	P	P	
Restaurant	C	C	
Night Use	C	C	
Restaurant, Take Out	C	C	
Night Use	C	C	
Restaurant and Delicatessens	C	C	
Retail Food Sales	C	C	
Convenience Store	P	P	
Liquor Store	C	P	
Retail Sales	P	P	
Limited	-	-	
Visitor Oriented	P	P	
Vehicle/Equipment Sales	-	-	
Automobile Rental	-	C	
Automobile Washing	-	C	

Use Classification	Zoning District		Related Provision
	CN	CC	
Service Stations	C	C	
Vehicle/Equipment Repair and Service	-	C	GP Policy 1.15
Vehicle/Equipment Leasing and Rental	-	C	GP Policy 1.15
Wholesaling, Commercial	-	P	GP Policy 1.15
Video Rental	P	P	
Industrial			
Hazardous Use	-	-	
Industrial, General	-	-	
Industrial, Limited	-	-	
Mineral Extraction	-	-	
Recycling Center	-	-	
Research and Development	-	-	
Vehicle/Equipment Services	-	-	
Vehicle/Equipment Repair	-	-	
Vehicle Storage	-	-	
Wholesaling, Distribution and Storage			
Trucking Terminals	-	-	
Small Scale	-	-	
Recreational			
Campground	-	-	
Marina	-	-	
Recreational Vehicle Park	-	-	
Recreational Facilities, Private	-	-	
Recreational Facilities, Public	-	-	
Recreational and Sports, Indoor	C	P	
Recreational and Sports, Outdoor	-	-	
Recreation, Passive	-	-	
Staging Area	-	-	
Public and Quasi-Public			
Ambulance Shelter	-	C	
Antenna	P	P	
Exceeding Height Limitations	C	C	
Commercial	C	C	
Cemetery	-	-	
Charitable Uses	C	C	
Club, Lodge	C	C	
Community Center	-	C	
Conference Center	-	C	
Cultural Facility	C	C	
Day Care Center	C	P	
Government Facility	C	C	
Homeless Shelter	-	C	

Use Classifications	Zoning District		Related Provision
	CN	CC	
Hospital	-	C	
Maintenance and Service Facility	-	-	
Public Information Center	P	P	
Public Parking	P	P	
Structure	C	C	
Public Safety Facility	-	P	
Religious Facility	C	C	GP Policy 1.23.4
School	-	-	
Transportation Facility	-	P	
Utilities, Major	-	-	
Utilities, Minor	P	P	
Agriculture			
Animal Husbandry	-	-	
Crop Production	-	-	
Winery	-	C	
Accessory			
Accessory Dwelling Unit	C	C	Chapter 19.10
Livestock Keeping	-	-	
Cafeteria	-	P	
Caretaker's Quarters	-	-	
Day Care Home, Large	-	-	
Day Care Home, Small	-	-	
Guest House	-	-	
Home Occupation	-	-	Chapter 19.29
Horticulture, Limited	P	P	
Recreational Facilities, Private	-	-	
Room Rentals	-	-	
Temporary			
Animal show	C	C	
Circus, Carnival	C	C	
Commercial Filming	C	C	
Live Entertainment	C	C	
Mobile Structure	C	C	Chapter 19.30
Personal Property Sales	P	P	
Retail Sales, Outdoor	C	C	
Seasonal Sales	C	C	
Street Fair	C	C	
Tent	C	C	

Chapter 19.12

Town Center

Sections:

19.12.010 Purpose

19.12.020 Permitted Uses

19.12.010 Purpose. The purpose for establishing the Town Center District and Permitted Uses is to:

- A. Provide for the development of a Town Center that physically and functionally serves as the symbolic and identifiable focus of activity and identity for the City, acts as an entry to Napa Valley, and is linked with adjacent land uses.
- B. Accommodate the development of a diversity of uses that function as the "downtown" for American Canyon.
- C. Promote the development of mixed-use structures that accommodate housing above lower level retail, office or other commercial uses.
- D. Require the inclusion of a plaza or square.
- E. Assure that buildings be sited and designed to establish a unified pedestrian oriented "village" environment considering the following principles:
 - 1. Siting a portion of the buildings in proximity to the principal access street to establish a "Main Street" character.
 - 2. Inclusion of a major "Public Square" as a gathering place.
 - 3. Incorporation of uses in the first floor along the street frontage.
 - 4. Assurance that the front setbacks are visually and physically accessible to pedestrians.

19.12.020 Permitted Uses. Table 1 of this Chapter sets forth the permitted and conditionally permitted uses for the Town Center District. A "P" designates a permitted use. A "C" indicates a conditionally permitted use subject to approval of a Use Permit by the Planning Commission. If no letter is found a particular use; it is not permitted in the Town Center District.

Table 1
Permitted and Conditionally-Permitted Uses
Town Center

Use Classifications	Zoning District TC	Related Provisions
Residential		
Garden Apartments	P	GP Policy 1.20.3
Multi-Family Residential	C	GP Policy 1.20.3
Townhouse	P	GP Policy 1.20.3
Commercial		
Adult Business	-	
Animal Retail Sales	P	
Bank, Savings and Loan	P	
• Drive-Up Service	C	
• Walk-Up Service	P	
Building Materials and Services	-	
Catering	P	
Commercial Printing, Limited	P	
Entertainment, Indoor	C	
• Amusement Centers	C	
Health Services	P	
Lodging Services	P	
Nursery	P	
Offices, Business and Professional	P	
• Tasting Rooms	C	
Personal Improvement Services	P	
• Night Use	C	
Personal Services	P	
Recycling Collection Center	C	
Restaurant	P	
• Night Use	C	
Restaurant, Take Out	C	
• Night Use	C	
Retail Food Sales	P	
• Convenience Store	C	
• Liquor Store	C	
Retail Sales	P	
Vehicle Services, service station	C	
Recreational		
Recreation Facilities, Private	P	
Recreation Facilities, Public	C	
Recreation and Sports, Indoor	C	

Use Classification	Zoning District TC	Related Provision
Recreation and Sports, Outdoor	C	
Public and Quasi-Public		
Ambulance Service	-	
Antenna	P	
• Exceeding Height Limitations	C	
• Commercial	C	
Charitable Uses	P	
Club, Lodge	C	
Community Center	P	
Conference Center	C	
Cultural Facility	C	
Day Care Center	-	
Government Facility	C	
Homeless Shelter	-	
Hospital	-	
Public Information Center	P	
Public Parking	P	
Public Safety Facility	C	
Religious Facility	C	GP Policy 1.23.4
School	C	
Transportation Terminal	C	
Utilities, Major	C	
Utilities, Minor	P	
Accessory		
Accessory Dwelling Unit	C	Chapter 19.10
Cafeteria	P	
Home Occupation	P	Chapter 19.29
Horticulture, Limited	P	
Recreation Facilities, Private	P	
Temporary		
Animal Show	C	
Circus, Carnival	C	
Commercial Filming	C	
Live Entertainment	C	
Mobile Structure	C	Chapter 19.30
Personal Property, Sales	P	
Retail Sales, Outdoor	C	
Seasonal Sales	C	
Street Fair	C	
Tent	C	

Chapter 19.13

Public District

Sections:

- 19.13.010 Purpose
- 19.13.020 Permitted Uses

19.13.010 Purpose. The purpose for establishing the Public District and Permitted Uses is to:

- A. Provide appropriately located areas for Public Districts consistent with the General Plan and with standards of public health and safety established by the Municipal Code.
- B. Accommodate public and institutional uses that serve the needs of the residents of American Canyon.
- C. Provide for continuation and expansion of existing governmental facilities in order to support the existing and future population and development of the City.
- D. Limit the development within the electrical transmission corridors.
- E. Allow for the reuse of surplus public and utility properties and facilities for private use.
- F. Provide for religious facilities in any land use designation, provided they are compatible with the policies of that site.
- G. Allow continuation of existing and provide new child and senior day care.
- H. Establish a center to provide services for the Senior Citizens of American Canyon.

19.13.020 Permitted Uses. Table 1 of this Chapter sets forth the permitted and conditionally permitted uses for each Public District. A "P" designates a permitted use. A "C" indicates a conditionally permitted use subject to approval of a Use Permit by the Planning Commission. If no letter is found opposite a particular use, it is not permitted in that District.

Table 1
Public District

Use Classification	P District	Related Provisions
Commercial		
Recycling Collection Center	C	
Recreational		
Recreation Facilities, Public	P	
Recreation and Sports, Outdoor	P	
Recreation, Passive	P	
Public and Quasi-Public		
Animal Shelter	C	
Antenna	P	
Exceeding Height Limitations	C	
Commercial	-	
Cemetery	C	
Charitable Uses	P	
Club, Lodge	C	
Community Center	P	
Conference Center	P	
Cultural Facility	P	
Day Care Center	C	
Government Facility	P	
Hospital	C	
Maintenance and Service Facility	C	
Public Information Center	P	
Public Parking	P	
Public Safety Facility	C	
Religious Facility	C	GP Policy 1.23.4
School	C	
Transportation Terminal	C	
Utilities, Major	C	
Utilities, Minor	P	
Accessory		
Cafeteria	P	
Caretaker's Quarters	C	
Temporary		
Animal Show	P	
Circus, Carnival	C	
Commercial Filming	C	
Live Entertainment	C	
Mobile Structure	C	Chapter 19.30
Personal Property Sales	P	
Seasonal Sales	C	
Street Fair	C	
Tent	C	

Chapter 19.14

Industrial Districts

Sections:

19.14.010	Purpose and Intent
19.14.020	Establishment of Districts
19.14.030	Applicability
19.14.040	Performance Standards
19.14.050	Permitted Uses
19.14.060	Development Standards
19.14.070	Automobile Parking Requirements
19.14.080	Commercial Loading Requirements
19.14.090	Bicycle Parking Requirements

19.14.010 Purpose and Intent. The purpose and intent of this Chapter is to:

- A. Establish reasonable Development Standards and a broad range of Permitted and Conditionally Permitted Uses to guide the orderly development and use of property within the LI (Light Industrial) District and the GI (General Industrial) District; and
- B. To ensure that industrial uses are developed and operated in a manner that does not produce dangerous or objectionable elements or conditions. Unless otherwise specified, the location where the determination shall be made of the existence of any dangerous or objectionable element or condition shall be at the lot, parcel or ownership line of the use.

19.14.020 Establishment of Districts. This Chapter establishes two Zoning Districts to allow a broad range of industrial uses within those Districts. The following Industrial Districts are hereby established:

- A. LI (Light Industrial) District: To accommodate the continuation of existing and the development of new light manufacturing uses, research and development, offices, and similar uses, including businesses that are ancillary to and support such uses, in locations that generally have high public visibility. Outdoor activities are limited and must be fully screened from off-site view.
- B. GI (General Industrial) District: To provide areas appropriate for functional industrial activities, including warehousing, manufacturing, food processing, product and equipment assembly, and similar types of uses that may involve both indoor and outdoor activities, and related ancillary uses.

19.14.030 Applicability. The provisions of this Chapter shall apply to all uses within the Industrial Districts as shown on the Official Zoning District Map of the City of American Canyon. Development within the Industrial Districts shall conform with all applicable development standards, regulations, and performance standards of this Title.

19.14.040 Performance Standards.

- A. Hazardous Materials. All operations that involve the storage, use or transport of flammable or explosive materials or gases shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire-suppressing equipment and devices, subject to the approval of the American Canyon Fire Protection District.
- B. Noise. Noise generated by any use shall comply with any noise standards adopted by the City.
- C. Vibrations. Vibrations associated with on-site operations shall not be discernible off-site, except for those due to operations involved in the construction or demolition of structures or caused by motor vehicles or trains.
- D. Airborne Emissions. No airborne emissions shall be produced that are readily detectable off-site without instruments by the average person, or that cause any damage to human health, animals, vegetation or property.
 - 1. Visible emissions shall not exceed the rules and regulations of the Bay Area Air Quality Management District.
 - 2. No emission of odorous gases or other odorous matter shall be produced in such quantities as to be readily detectable off-site by the average person.
- E. Electrical Disturbance. No activities shall produce electrical disturbance that affects the operation at any point of any equipment other than that of the creator of such disturbance.
- F. Climate. No humidity, heat or cold shall be produced that is perceptible without instruments by the average person off-site.
- G. Lights. No bright or flashing lights shall be visible off-site.

19.14.050 Permitted Uses. Table 1 of this Chapter sets forth the permitted and conditionally permitted uses for each Industrial District. A "P" designates permitted uses. A "C" indicates conditionally permitted uses subject to approval of a Use Permit by the Planning Commission. If no letter is found opposite a particular use, it is not permitted in that District.

19.14.060 Development Standards. Table 2 of this Chapter sets forth the minimum lot area, minimum yard setbacks, and lot coverage standards for each Industrial District.

Table 2

Zoning District	LI	GI
Minimum Area Per Lot	20,000 Sq. Ft.	40,000 Sq. Ft.
Minimum Width Per Lot	200 Feet	300 Feet
Minimum Depth Per Lot	100 Feet	150 Feet
Minimum Front Yard	20 Feet	20 Feet
Minimum Side Yard		
One-story	5 Feet	10 Feet
Two-story	10 Feet	10 Feet
Street side of corner lot	15 Feet	15 Feet
Minimum Rear Yard	10 Feet	10 Feet
Minimum Setback From Hwy 29	40 Feet 50 Feet Average	40 Feet 50 Feet Average
Minimum Setback From Arterial	30 Feet	30 Feet
Maximum Floor Area Ratio		
Labor-intensive uses	50%	50%
Low-labor uses	70%	70%
Maximum Number of Stories	3.0	3.0
Maximum Building Height	40 Feet	40 Feet

* Where an existing legal, non-conforming, structure encroaches into a setback, which was established after the building was constructed, the existing building line may be continued subject to Planning Director approval.

19.14.070 Automobile Parking Requirements.

A. General Provisions.

1. The requirements of this Chapter shall apply to the establishment, alteration, or change in any use or structure, except as may be provided for herein. Parking required by this Chapter shall be provided at the time any building or structure is erected or enlarged, or a use is established, changed, or expanded. The word "use" shall mean both the type and intensity of the use.
2. When a change in use or expansion in floor area within an existing development increases by 20 percent or more the amount of off-street parking or loading required by the previous use, parking or loading spaces shall be provided for the increased demand. The number of new spaces provided shall be in addition to the number existing prior to the change in use or enlargement, unless the pre-existing number is greater than the number required by this Chapter for the previous use, in which case the

number in excess of the prescribed minimum may be deducted from the number required to be provided to serve the change in use or enlargement.

3. Required parking spaces shall not be located within any front or side yard setback areas.
4. Except as may be provided for in this Chapter, required parking spaces required shall be located on the same lot or parcel of land and within 300 feet of the use they serve. Such distance shall be computed from the nearest point of a structure's public access to the nearest point of the parking area.
5. The Planning Commission may approve deviations from these standards by Use Permit.

B. Number of Spaces Required.

1. Except as may be provided for in this Chapter, automobile parking spaces shall be provided in the number set forth in Table 3 of this Chapter. These requirements shall be considered minimum standards. The decision-making authority for a project may require more parking than is required by Table 3 when it finds that due to the characteristics of a project, the application of the above standards may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots.
2. Fractional space requirements of .5 or more shall be counted as the next largest whole space.
3. When two or more uses are located in the same building or structure, or are within the same common development, the parking requirements shall be the sum of the separate requirements for each use, except as specifically provided in this Chapter.
4. Requirements for uses not specifically listed herein shall be determined by the decision-making authority for a project, based upon the requirements for comparable uses and upon the particular characteristics of the use.
5. Handicapped parking shall be provided according to the latest standards established by the State of California.
6. No area may be utilized and counted both as a required parking space and a required loading space other than for company owned vehicles periodically stored for onsite loading.

Table 3

Pre-Schools; day care centers	One per staff member, plus 1 per each 10 children.
Religious Assembly	One per 4 fixed seats in the principal sanctuary; one per 9 linear feet of fixed benches; one per 50 square feet of non-fixed seating area.
Offices, business and professional	One per 300 square feet of gross floor area
Retail sales, general	One per 300 square feet of gross floor area
Retail sales, food	One per 250 square feet of gross floor area
Bulk merchandise sales, including furniture, household appliances, and building materials	One per 500 square feet of gross floor area
Vehicle/equipment sales; nursery	One per 500 square feet of gross floor area within any showroom, plus 1 per 1,000 square feet of outdoor display or sales area for the first 10,000 square feet; then 1 per 5,000 square feet of outdoor display or sales area thereafter.
Wholesaling, commercial	One per 500 square feet of gross floor area
Restaurant, including those providing liquor consumption	One per 100 square feet of gross floor area. A minimum of 5 spaces shall be provided for such use.
Bank; savings and loan	One per 200 square feet of gross floor area in public areas (excluding vault), plus 1 per 300 square feet of gross floor area for general office uses.
Spectator entertainment; auditorium	One per 4 fixed seats, or one per 9 linear feet of fixed benches, or one per 50 square feet of non-fixed seating area, whichever is greater
Health club; spa; dance studio	One per 100 square feet of gross floor area accessible to members or clients, including any pool area
Game court	Three per court
Vehicle repair	Four per repair stall
Service station	One per pump island, plus 1 per service bay
Car wash, full service	One per 2 employees on the maximum shift, plus vehicle stacking area equal to 3 times the capacity of the enclosed washing operation
Car wash, self-serve	Two spaces for drying and cleaning purposes per stall, plus 2 reservoir spaces in front of each stall.

Table 3

Self-storage facilities	One per employee; a minimum of 5 spaces shall be provided for such use.
Warehousing and storage	One per 1,000 square feet of gross floor area for the first 20,000 square feet of space, plus 1 per each 2,000 square feet of gross floor area thereafter.
Manufacturing, processing, packing, research, research service	One per 500 square feet of gross floor area
Research and development	One per 300 square feet of gross floor area
Company-owned vehicle parked on premises	One per truck, car or other vehicle

C. Shared Parking.

1. The number of required parking spaces may be reduced for projects comprised of uses that generate parking needs primarily at different times, and that cooperatively establish and operate shared parking facilities.
2. Shared parking may be approved through a Conditional Use Permit for existing development. Where shared parking is proposed for new development as part of a Design Permit or Conditional Use Permit application, the request shall be processed concurrently with said applications. Nothing in this section shall preclude the reviewing authority from placing additional conditions to protect the health, safety and welfare of the residents of the City or to establish the number or percentage of parking spaces to be shared.
3. The applicant shall provide substantial evidence and documentation (including a description of all uses and operating characteristics) that a sufficient number of spaces are being provided to meet the parking demand of all participating uses at any given time of the day, week or year.
4. All shared parking spaces shall be located so as to be reasonably accessible to the uses they serve, and shall not be separated from such uses by any street, unless otherwise approved by the decision-making authority.
5. Reasonable pedestrian connections shall be provided from any shared parking spaces to all the uses that they serve.
6. Covenants, conditions and restrictions (CC&R's), deed restrictions or other agreements as may be required by the decision-making authority

shall be executed and recorded, ensuring that required parking is provided and that the uses and operating characteristics of all participating uses are maintained.

D. Dimensional Requirements.

1. Standard spaces: Required minimum parking dimensions are indicated in Table 4. Minimum dimensions shall not include any landscaped areas.

Table 4
Minimum Parking Dimensions for Standard Stalls

Parking Angle (PA)	Minimum Stall Dimensions			Minimum Aisle Widths (A)	
	Width (W)	Depth (D)	Length (L)	One-Way	Two-Way
Parallel	8'	n/a	22'	18'6"	20'
30 degrees	9'	16'	18'	12'	20'
45 degrees	9'	19'	18'	14'	20'
60 degrees	9'	20'	18'	20'	20'
90 degrees	9'	18'	18'	25'	25'

2. Compact spaces. Reduced dimensions of 8 feet in width and 16 feet in length (90 degree stalls) may be allowed for uncovered parking spaces for uses that have at least 12 parking spaces. Compact spaces shall not exceed 20% of the total required parking spaces. Compact spaces shall be clearly indicated by appropriate markings and signage.

E. Striping and Surfacing. All parking lots shall be permanently surfaced and striped in accordance with the City's *Engineering Standards and Specifications*.

F. Parking Lot Entries. All parking lot entries shall have the minimum widths specified in the City's *Engineering Standards and Specifications*.

G. Curbing and Walkways.

1. Continuous concrete curbing at least six inches high and six inches wide shall be provided at least three feet from any wall, fence, property line, walkway, or structures where parking and/or drive aisles are located adjacent thereto. Curbing may be left out at structure access points.
2. The clear width of a walkway that is adjacent to overhanging parked cars shall be at least four feet.
3. Individual wheel stops shall not be used.

H. Drainage. All required off-street parking areas shall be so designed that surface water will not drain over any sidewalk or adjacent property.

I. Landscaping.

1. Surface parking areas of ten or more spaces shall have a landscaped area equal to a minimum of 10% of the parking and circulation area.
2. Landscaped areas shall be distributed throughout the parking area as evenly as possible. In larger parking areas (two or more maneuvering aisles), interior landscaping shall be used to visually separate the parking area into small spaces. Parking row ends shall be protected by landscaped planters.
3. Landscaped areas shall have a minimum width of five feet.
4. A minimum of one tree shall be provided for every six parking spaces in a double-loaded layout, and one for every three spaces in a single-loaded layout. The trees shall be located so as to visually disrupt long rows of parked vehicles; trees may be clustered. Canopy-type trees should be used to provide a relatively consistent tree cover which will shade the pavement and vehicles.
5. A landscaped strip shall be provided adjacent to any public or private street wherever parking or circulation is generally or immediately located adjacent to such rights-of-way.
6. Defined pedestrian routes shall be incorporated into parking and landscaped areas.
7. Landscape areas shall be bordered by a concrete curb that has a minimum height and width of six inches. Landscaped planters within parking areas may be diamond-shaped in design.

J. Screening.

1. Where vehicles are to be parked immediately adjacent to a public or private street, a solid wall, opaque fence, berm, or compact evergreen hedge with a maximum height of 30 inches, measured from the finished surface of the parking area shall be provided.
2. Where a parking or loading area in an Industrial district is located directly across a street or alley from a residential district, a solid wall, opaque fence, berm, or compact evergreen hedge not less than 6 feet in height shall be located on the property line.

K. Lighting.

1. Public parking areas designed to accommodate three or more vehicles shall have lighting facilities capable of providing sufficient illumination at every point of the parking area. A lighting study demonstrating that a minimum of one foot candle will be maintained across the surface of the parking area may be required by the Planning Director.
2. Any parking area illumination, including security lighting shall be so arranged as to reflect away from adjoining properties and rights-of-way.

L. Location of Parking Spaces.

1. Parking shall be designed so that all maneuvering may occur on-site and that all vehicles may enter an abutting street in a forward direction.
2. No space in a parking lot shall be located so that a vehicle must maneuver within 20 feet of a vehicular entrance, measured from the property line.

M. Maintenance. All required parking facilities and areas, including landscaping, surfacing, and striping shall be permanently maintained in good condition, free of weeds, litter and debris.

19.14.080 Loading Requirements.

A. Number Required. Loading spaces shall be provided for all industrial uses according to the Table below for the specified uses. The decision-making authority may require more loading spaces than are required by the Table to insure that a sufficient off-street loading area will be provided to accommodate routine operations in a safe and convenient manner. Required loading spaces shall be designated as such and restricted to such use.

Use	Gross Floor Area	Minimum Loading Spaces
Commercial (non-office)	<5,000 sq. ft.	None
	5,000 - 20,000 sq. ft.	One
Office	<20,000 sq. ft.	None
	20,000 - 40,000 sq. ft.	One
Manufacturing, wholesale, warehousing, industrial	<20,000 sq. ft.	One
All of the above uses	Each additional 20,000 sq. ft.	One additional space

- B. Minimum Dimensions. Each loading space shall have an unobstructed minimum dimension of 12 feet in width, 45 feet in length, and 14 feet in height. Larger spaces may be required by the decision-making authority to ensure that a sufficient off-street loading and unloading area will be provided to accommodate routine delivery or shipment operations in a safe and convenient manner.
- C. Location of Loading Spaces.
1. Loading spaces required by this Chapter shall be located immediately adjacent to the exterior wall of the building they serve or within the building and should minimize potential impacts on adjacent uses.
 2. Loading spaces shall not be located in any required front or side yard.
 3. Loading spaces should be so located and designed that trucks shall not be required to back into a public street for ingress or egress. Truck maneuvering areas should be provided on-site where necessary to comply with this requirement.
 4. Loading spaces should be concealed from off-site view to the maximum extent feasible.
 5. Where a loading area in a commercial or industrial district is located directly across a street or alley from a residential district, a solid wall, opaque fence, or compact evergreen hedge not less than 6 feet in height shall be located on the property line.

19.14.090 Bicycle Parking Requirements.

- A. Bicycle parking shall be provided in commercial and employment areas according to the Table below.

Total Automobile Parking Spaces	Minimum Number of Bicycle Spaces	Total Automobile Parking Spaces	Minimum Number of Bicycle Spaces
1 – 4	0	75 - 99	6
5 – 14	1	100 - 199	7
14 – 29	2	200 - 299	8
30 – 44	3	300 - 399	9
45 – 59	4	400 and greater	10
60 – 74	5		

- B. Bicycle parking should be located in highly visible locations and should be lockable.

Table 1
Permitted and Conditionally-Permitted Uses
Industrial Districts

Use Classifications	Zoning District		Related Provisions
	LI	GI	
Residential			
Congregate Living Facility	-	-	
Farm Employees Housing	-	-	
Garden Apartments	-	-	
Mobile Home	-	-	
Mobilehome Parks	-	-	
Multi-Family Residential	-	-	
Residential Care Home	-	-	
Second Residential Unit	-	-	
Single Family Residential	-	-	
• Detached	-	-	
• Semi-Detached	-	-	
Townhouses	-	-	
Commercial			
Adult Business	-	-	
Ambulance Services	P	P	
Animal Retail Sales	-	-	
• Boarding Kennel	-	-	
• Grooming	-	-	
• Medical Care	-	-	
• Retail Sales	-	-	
Bank, Savings and Loan	C	-	GP Policy 1.22.2
• Drive-Up Service	C	-	GP Policy 1.22.2
• Walk-Up Service	C	-	GP Policy 1.22.2
Bookstore	P	P	
Building Materials and Services	C	P	GP Policy 1.22.6
Catering	P	P	
Commercial Printing	P	P	
• Limited Printing	C	C	
Communication Services	P	P	
Drugstores	P	P	
Eating and Drinking Establishments	C	C	
Entertainment, Indoor	-	-	
• Amusement Center	-	-	
• Gaming	-	-	
Food Sales	C	C	
Funeral and Internment Services	-	-	

Use Classifications	Zoning District		Related Provisions
	LI	GI	
Health Services	-	-	
Laboratory	P	P	
Lodging Services	-	-	
• Bed and Breakfast Inns	-	-	
Long-Term Care Facility	-	-	
Maintenance and Repair Services	P	P	GP Policy 1.22.6
Nursery	-	-	
Offices, Business, and Professional	P	C	GP Policy 1.22.1
On-Premise Liquor Consumption	-	-	GP Policy 1.22.2
• Tasting Room	C	C	
Outdoor Sales and Displays	C	-	
Overnight Accommodations, Lodging Services	-	-	
Pawnshops	-	-	
• Adjacent to Residential District	-	-	
Personal Improvement Services	C	C	GP Policy 1.22.2
• Adjacent to Residential District	C	-	
Personal Services	-	-	
Professional and Medial Offices	P	P	
Recycling Collection Center	C	C	GP Policy 1.22.2
Restaurant	C	C	
• Night Use	C	-	
Restaurant, Take-Out	C	-	
• Night Use	C	-	
Retail Commercial	C	-	
Retail Food Sales	-	-	
• Convenience Store	-	-	
• Liquor Store	-	-	
Retail Sales	C	C	GP Policy 1.22.2
• Limited	-	-	
• Visitor-Oriented	-	-	
Vehicle/Equipment Sales and Services	-	-	
• Automobile Rental	C	-	GP Policy 1.22.6
• Automobile Washing	-	C	GP Policy 1.22.6
• Service Station	-	-	
• Vehicle/Equipment Repair	-	P	GP Policy 1.22.6
• Vehicle/Equipment Sales, Lease and Rental	C	C	GP Policy 1.22.6
Video Rental	-	-	
Wholesaling, Commercial	C	P	
Industrial			
Hazardous Use	-	C	

Use Classification	Zoning Districts		Related Provisions
	LI	GI	
Industry, General	-	P	
Industry, Limited	P	P	
Mineral Extraction	-	C	GP Policy 8.15.3-8.17.3
Recycling Center	-	C	
Research and Development	P	P	
Vehicle/Equipment Services			
• Vehicle/Equipment Repair	-	P	
• Vehicle Storage	-	C	
Wholesaling, Distribution and Storage			
• Trucking Terminal	-	P	
• Small-Scale	C	P	
Recreational			
Campground	-	-	
Marina	-	-	
Recreational Facilities, Private	-	-	
Recreation Facilities, Public	-	-	
Recreation and Sports, Indoor	P	P	
Recreation and Sports, Outdoor	-	-	
Recreation, Passive	-	-	
Recreational Vehicle Park	-	-	
Staging Area	-	-	
Public and Quasi-Public			
Ambulance Service	P	P	
Animal Shelter	C	C	
Antenna	P	P	
• Commercial	-	-	
Cemetery	-	-	
Charitable Uses	-	-	
Club, Lodge	-	-	
Community Center	-	-	
Conference Center	-	-	
Cultural Facility	-	-	
Day Care Center	C	C	
Government Facility	P	P	
Homeless Shelter	-	-	
Hospital	-	-	
Maintenance and Service Facility	P	P	
Public Information Center	-	-	
Public Parking	-	-	
• Structure	-	-	
Public Safety Facility	P	P	

Use Classification	Zoning Districts		Related Provisions
	LI	GI	
Religious Facility	C	C	
School	-	-	
Transportation Terminal	P	P	
Utilities, Major	C	C	
Utilities, Minor	P	P	
Agricultural			
Animal Husbandry	P	P	
Crop Production	-	-	
Winery	C	P	
Accessory			
Accessory Dwelling Unit	-	-	
Livestock Keeping	-	-	
Cafeteria	P	P	
Caretaker's Quarters	C	C	
Day Care Home, Large	-	-	
Day Care Home, Small	-	-	
Guest House	-	-	
Home Occupation	-	-	
Horticulture, Limited	-	-	
Room Rentals	-	-	
Temporary			
Animal Show	-	-	
Circus, Carnival	-	-	
Commercial Filming	C	C	
Live Entertainment	-	-	
Mobile Structure	C	C	
Personal Property Sales	-	-	
Retail Sales, Outdoor	-	-	
Seasonal Sales	-	-	
Street Fair	-	-	
Tent	-	-	

Chapter 19.15

Recreation and Open Space

Sections:

19.15.010	Purpose
19.15.020	Establishment of Districts
19.15.030	Permitted Uses

19.15.010 Purpose. The purpose for establishing these Recreation and Open Space Districts and Permitted Uses is to:

- A. Maintain adequate open spaces to protect environmental resources, provide recreational opportunities and contribute "relief" from urban and suburban activities.
- B. Preserve the important environmental resources of the City.
- C. Accommodate passive recreation, hiking and equestrian activities.
- D. Preclude development or activities in wetlands and significant habitats.

19.15.020 Establishment of Districts. This Chapter establishes three Zoning Districts to allow a broad range of Recreation and Open Space uses within those Districts. The following Recreation and Open Space Districts are established:

GC (Golf Course) District: To allow recreation-oriented uses and related land uses such as golf-course oriented hotels, timeshares, and similar types of uses, adjacent to the City's Foothills.

WR (Wetlands Recreational) District: To allow open space and recreation-oriented uses adjacent to the Napa River and the City's wetlands edge.

Open Space (OS) District: To preserve the City's important environmental resources while allowing compatible recreational uses.

19.15.030 Permitted Uses. Table 1 of this Chapter sets forth the permitted and conditionally permitted uses for each Public District. A "P" designates a permitted use. A "C" indicates a conditionally permitted use subject to approval of a Use Permit by the Planning Commission. If no letter is found opposite a particular use, it is not permitted in that District.

Table 1
Permitted and Conditionally-Permitted Uses
Recreational and Open Space District

Use Classification	Zoning District			Related Provision
	GC	WR	OS	
Commercial				
Lodging Service	P	-	-	
On-Premise Liquor Consumption	C	-	-	
Restaurant	P	P	-	
Retail Sales, incidental to primary use	C	C	-	
Recreational				
Campground	-	C	-	
Marina	-	C	-	
Recreation Facilities, Private	C	C	-	
Recreation Facilities, Public	C	C	C	
Recreation and Sports, Indoor	C	-	-	
Recreation and Sports, Outdoor	C	C	C	
Recreation, Passive	P	P	P	
Recreational Vehicle Park	-	C	-	
Staging Area	C	C	C	
Public and Quasi-Public				
Antenna	P	P	-	
Exceeding Height Limitations	C	C	-	
Cemetery	-	-	C	
Club, Lodge	C	-	-	
Community Center	P	C	-	
Conference Center	C	C	-	
Cultural Facility	C	C	P	
Maintenance and Service Facility	C	C	-	
Public Information Center	-	P	P	
Public Parking	P	P	P	
Public Safety Facility	C	C	-	
Religious Facility	C	C	-	GP Policy 1.23.4
Transportation Terminal	C	C	-	
Utilities, Major	C	C	C	
Utilities, Minor	P	P	P	
Accessory				
Caretaker's Quarters	C	C	-	
Temporary				
Commercial Filming	C	C	C	
Mobile Structure	C	C	C	Chapter 19.30
Tent	C	C	C	

Chapter 19.16

PC Planned Community District

Sections:

19.16.010	Purposes and Intent
19.16.020	Zone Change and Conceptual Master Plan
19.16.030	Planned Community Development Permit
19.16.040	Relationship of Conceptual Master Plan and Planned Community Development Permit to Related Entitlements
19.16.050	Permitted Uses
19.16.060	Neighborhood Commercial Uses in Areas Designated for Residential Land Uses
19.16.070	Permitted Densities
19.16.080	Minimum Site Area
19.16.090	Procedures and Submittal Requirements Pertaining to Establishment of a Planned Community Zone
19.16.100	Procedures and Submittal Requirements for Approval of a Planned Community Development Permit
19.16.110	Development Standards - Single family Subdivisions Including Those Proposing Lot Sizes Smaller than the Baseline Lot Size
19.16.120	Development Standards - Multi-Family Residential Including Apartments, Townhouses and Condominiums
19.16.130	Findings
19.16.140	Master Plan Modifications
19.16.150	Modifications - Review Procedures
19.16.160	Revocation
19.16.170	Expiration of Planned Community Development Permit

19.16.010 **Purpose and Intent.** The Planned Community District is created to:

- A. Provide a mechanism for implementing sub-area policies contained in the General Plan Land Use Element.
- B. Provide for a measured degree of flexibility in development standards to promote creative development concepts, including increased areas devoted to functional open space and a more thoughtful relationship between dwelling units and open space.
- C. Promote provision of additional amenities such as community facilities in conjunction with implementation of development standards that are generally more flexible than traditional residential zoning standards.

- D. Establish standards and parameters for contemporary development concepts such as attached or detached cluster single-family housing or a mix of similar use types.
- E. Encourage the use of cluster development opportunities to preserve significant environmental resources.
- F. Establish standards for variation of lot sizes to facilitate and ensure sufficient diversity in housing styles, types, sizes and costs.
- G. Establish parameters for project phasing that reflects the City's ability to provide services and infrastructure in a logical, orderly cost effective manner.

19.16.020 Zone Change and Conceptual Master Plan. All proposals to utilize provisions of this Chapter will require rezoning to the Planned Community Zone and approval of a Planned Community Conceptual Master Plan. The Planned Community Conceptual Master Plan shall be made a part of the City's official Zoning Map.

19.16.030 Planned Community Development Permit. A Planned Community Development Permit is the implementing mechanism of the Conceptual Master Plan and may be processed either concurrent with or subsequent to the rezone and Conceptual Master Plan.

19.16.040 Relationship of Conceptual Master Plan and Planned Community Development Permit to Related Entitlements. Related entitlements may be processed either subsequent to or concurrent with a Planned Community Development Permit. Notwithstanding the foregoing, a tentative subdivision map may be processed concurrently with a Conceptual Master Plan.

19.16.050 Permitted Uses. There shall be no principally permitted uses other than those approved under a Conceptual Master Plan and approved Planned Community Development Permit or modification thereof.

19.16.060 Neighborhood Commercial Uses in Areas Designated for Residential Land Uses. Neighborhood commercial uses may be permitted in areas designated for residential land uses on the General Plan Land Use Map if approved under a Conceptual Master Plan pursuant to the specifications and limitations contained in the Land Use and Sub-Area schedule within the General Plan Land Use Element.

19.16.070 Permitted Densities. Permissible gross densities within a Planned Community Master Plan area shall be as specified in the General Plan and Land Use Map. Densities proposed for a portion of a Planned Community Master Plan area may exceed densities established under the General Plan if overall densities

within the boundaries of the Master Plan area remain consistent with the established General Plan density range. Cluster single-family attached (including townhomes) or semi-attached housing may be considered in areas designated single-family residential on the General Plan Land Use Map if it can be clearly demonstrated that such clustering results in 1) greater protection of environmental resources including, but not limited to, steep hillsides or biological resources/sensitive habitats, or results in provision of an amenity or amenities of community wide importance; and 2) is consistent with specifications contained in the Land Use and Sub-Area Schedules contained in the General Plan Land Use Element.

19.16.080 Minimum Site Area. The minimum site area for establishing a Planned Community District is ten (10) acres.

19.16.090 Procedures and Submittal Requirements Pertaining to Establishment of a Planned Community Zone.

- A. Conceptual Master Plan: Proposals to establish a Planned Community Zone shall be accompanied by a Conceptual Master Plan containing the information set forth below:
1. Background information on physical characteristics of the Concept Plan area, including a detailed topographic map, the location of all drainage courses, and a vicinity map showing all adjacent uses and physical features and any necessary environmental information, including special studies as may be required based on environmental sensitivity maps contained in the General Plan.
 2. The proposed locations of various land uses and intensities of land use, including proposed street and lot layouts, street and infrastructure connections to adjacent properties, the location of off-street parking areas, preliminary grading information including heights and widths of proposed manufactured slopes and any other pertinent information contributing to the understanding of the overall development concept.
 3. Areas proposed to be dedicated, reserved or developed for parks, parkways, school sites, public or quasi-public buildings or similar uses. Sufficient topographic and soil condition information shall be provided for these areas to establish that they would be functional for the intended uses.
 4. A description of the proposed development concept shall be an attachment and part of the Conceptual Master Plan. The description should set forth proposed lot sizes and patterns, any unique architectural or site plan themes or elements that will be incorporated into the project, typical sketches for plotting of houses, criteria for addressing unique circumstances such as interface between differing land uses, any unique

grading techniques that will be utilized, or similar information that will establish the parameters for exhibits, standards and conditions that will be necessary for submittal of a Planned Community Development Permit and related entitlement applications.

5. An Infrastructure Master Plan, evaluating sizing and extensions of infrastructure necessary to serve all phases of the development and any future planned development of adjacent areas. Included shall be a fiscal impact study analyzing costs of new demand for necessary infrastructure and services on both a short and long-term basis, how they will be funded, and potential funding shortfalls. These requirements may be reduced or waived for provided Master Plan areas containing 20 acres or less in area.
 6. An engineering analysis of infrastructure capacities, including the ability of the City to provide water and treat wastewater during peak periods or under reduced allocation years. The analysis shall include projected water use and wastewater generation at project buildout, current City uses and capacities, and anticipated uses and capacities at buildout.
 7. Tentative Subdivision Map (Optional, may be deferred until Planned Development Permit Phase at discretion of Planned Community Proponent).
 8. A preliminary Phasing Plan indicating sequence of development and related subdivision of land. Maximum buildout rate may be established based on the fiscal analysis and infrastructure capacity analysis. A funding mechanism must be established to pay for all necessary infrastructure for each phase of development. Phasing plan requirements may be reduced or waived for proposed Master Plan areas containing 20 acres or less in area.
 9. Rate of anticipated development (Required at Conceptual Master Plan stage if a tentative map is processed concurrently).
 10. Preliminary information on anticipated home prices, rental rates and dwelling sizes.
 11. A statement from the Napa Unified School District indicating school capacities and facility needs in the vicinity of the proposed planned community.
 12. Any other information that may be deemed necessary by the City to properly assess the zone change request.
- B. Planning Commission Review: The Planning Commission shall review and make a recommendation to the City Council regarding the proposed Planned

Community Zone and Conceptual Master Plan following a duly noticed public hearing based on standards and findings outlined herein.

- C. City Council Action: Upon receipt of the recommendations of the Planning Commission, the City Council shall conduct a duly noticed public hearing to consider the request to establish a Planned Community Zone and Conceptual Master Plan. In the event that the Planning Commission recommends against the zone change to a Planned Community Zone, the City Council need not take further action on the zone change unless an interested party files a request for a hearing with the City Clerk within five (5) days after the Planning Commission files its recommendations with the City Council (Government Code section 65856). The Council's action shall be based on conformity with the adopted General Plan and compliance with all applicable standards and findings set forth herein.

19.16.100 Procedures and Submittal Requirements for Approval of a Planned Community Development Permit.

- A. A Planned Community Development Permit application shall contain detailed development information either for a portion or all of the Conceptual Master Plan Area as set forth below. Additional information or clarification of submittal materials may be requested as deemed necessary by the City based on project specific issues or characteristics.
1. Specific lot and street layout fully dimensioned and to scale.
 2. Complete plot plans for all proposed dwellings, buildings and structures, fully dimensioned and to scale (may be submitted in phases based on development sequence).
 3. Detailed building elevations fully dimensioned and to scale (may be submitted in phases based on development sequence).
 4. Floor plans for each type of dwelling or structure being proposed (may be submitted in phases based on development sequence).
 5. Illustrative drawings showing the relationship between interior dwelling areas and usable private yards and interior spaces (may be submitted in phases based on development sequence).
 6. Detailed landscape and improvements plans for all open space, recreational, greenbelt, parkway, common space and slope areas.
 7. Detailed grading information including height and width of all manufactured slopes.

8. A preliminary drainage plan.
 9. Proposed tentative subdivision or parcel map if not submitted under the Conceptual Master Plan.
 10. A final phasing plan.
 11. Rate of anticipated development which may be defined by the City under the terms of the Planned Community Development Permit.
- B. Planning Commission Action: The Planning Commission shall be the final decision making authority for a Planned Community Development Permit unless appealed pursuant to procedures established under Section 9 c.
- C. Establishment of Conditions: The Planning Commission or City Council may impose any and all conditions on the Planned Development Permit necessary to ensure implementation of the Planned Community Conceptual Master Plan in a manner consistent with the General Plan, the standards in the Planned Community Zone, and as may be required to protect the public health, safety and general welfare.
- D. Subsequent Entitlements within the Master Plan Area: Following approval of a Conceptual Master Plan and Planned Community Development Permit, applications may be acted upon for subdivision or development of the property in accordance with the plans, terms and conditions of the Planned Development Permit. Concurrent processing of the Conceptual Master Plan, Planned Community Development Permit and related entitlement requests may be permissible if said entitlements are consistent with the Conceptual Master Plan and Development Permit and the Zone Change and Development Permit are approved prior to other entitlement requests. Said subsequent entitlement requests shall be processed in accordance with the applicable procedures established in the Zoning and Subdivision Ordinances.

19.16.110 Development Standards - Single-Family Subdivisions Including Those Proposing Lot Sizes Smaller than the Baseline Lot Size. The following standards shall be applicable to all single-family residential subdivisions within areas designated single-family or multi-family residential on the General Plan Land Use Map unless otherwise noted. The intent of these standards is to provide a measured degree of increased flexibility over standard single-family zoning while establishing compensating or circumstances that would justify greater variation than what would normally be expected. Minimum standards are established to ensure that the basic integrity of the single-family General Plan designation is retained and that a range of lot sizes be provided to meet both current and future City housing needs for various home types and market ranges.

Chapter 19.17

SP (Specific Plan) District

Sections:

19.17.010	Purpose and Intent
19.17.020	Authority
19.17.030	Applicability
19.17.040	General Plan Conformity
19.17.050	Designation
19.17.060	Application
19.17.070	Review and Approval
19.17.080	Required Findings
19.17.090	Conditions of Approval

19.17.010 Purpose and Intent.

- A. Purpose. This Chapter is intended to provide for the systematic implementation of General Plan goals and policies for particular areas of the City that require a more comprehensive and intensive evaluation and planning effort due to their large size, the need to master plan infrastructure, and their unique environmental settings and viewsheds.
- B. Intent. A specific plan prepared in accordance with the standards set forth in this Chapter is intended to serve as a regulatory document, consistent with the General Plan. In the event there is an inconsistency or conflict between an adopted specific plan and comparable regulations of this Title, the specific plan shall prevail.

19.17.020 Authority. Specific plans are authorized by California Government Code Section 65450 et seq., which specifies minimum contents and provides for fees and an additional environmental review procedure.

19.17.030 Applicability. No building or grading permit, land division or other entitlement shall be granted within a specific plan district prior to the adoption of a specific plan. However, the provisions of this Chapter shall not apply to any valid tentative map, conditional use permit or other entitlement approved or in effect prior to the effective date of this Chapter.

19.17.040 General Plan Conformity. Land uses in a specific plan district shall conform to the densities or intensities permitted by the area's applicable General Plan land use designation(s).

19.17.050 Designation. Prior to adoption of a specific plan, an area in a specific plan-zoning district shall be designated as "SP" in a manner identical to that of any other zoning district. Following adoption of a specific plan for the area, a number shall be added to the designation that corresponds to its specific plan.

19.17.060 Application.

A. Application.

1. Application for a specific plan shall be filed with the Planning Department on forms prescribed by the Planning Commission, along with any plans, maps, or additional information required by the Planning Director. The application shall include, in part, a description of the proposed land use pattern, circulation and other improvements, phasing, requested modifications to development standards, financing of infrastructure improvements, and all other information required by state law for specific plans.
2. The text and diagrams of the proposed specific plan shall be organized in a manner that clearly states the goals of the specific plan and sets forth regulations in a format readily usable by both professionals and lay persons who may have a role in implementing the specific plan.

B. Preparation. Specific plans shall be prepared by the affected property owners in close cooperation with the City. Where property owners are unable or unwilling to prepare such specific plans, the City may prepare the specific plans in close cooperation with the affected property owners. The City's costs of preparing or reviewing and adopting the specific plans and related environmental documents shall be recovered from the property owners benefiting by the specific plan, as provided for by State law.

19.17.070 Review and Approval

- A. Approval Authority.** An application for a specific plan shall be reviewed and approved, conditionally-approved, or denied by the City Council in accordance with the procedures set forth in Chapter 19.40, *Review and Approval Procedures*, following Planning Commission review and recommendations.
- B. Concurrent Processing.** Where an application for a specific plan is concurrently filed with an application for a zoning map amendment or other entitlements that may be feasibly processed together, all public hearings may be held concurrently.
- C. Ordinance Amendment.** Simultaneous with the approval of a specific plan by the City Council, the specific plan shall be made a part of this Title through assignment of a specific plan number and amending the zoning map accordingly.
- D. Subsequent Amendment.** A specific plan may be amended as necessary, under

the same procedure as adoption of a specific plan. The specific plan text shall contain provisions for processing major and minor modifications.

19.17.080 Required Findings. Prior to approving a specific plan, the following findings supported by adequate evidence shall be made by the City Council:

- A. The distribution, location and extent of land uses, including open space, as depicted in the specific plan is consistent with the General Plan.
- B. The specific plan provides for public infrastructure and services needed to support the land uses described in the plan, including adequate distribution, location, extent and intensity of transportation, sewage, water, drainage, solid waste disposal, energy, parks, community facilities and other essential facilities.
- C. The standards and development criteria, including requirements for resource utilization, will ensure that development proceeds in an orderly fashion and maintains a high level of quality.
- D. The specific plan contains implementation measures, including financing programs, to ensure that development is supported by adequate infrastructure as it occurs.
- E. The site is suitable for the type and intensity of development proposed.
- F. The flexibility in development standards afforded by the specific plan process has resulted in a project providing more superior design and amenities than would occur under more traditional zoning practices, and the project provides clear and substantial benefit to the City of American Canyon.

19.17.090 Conditions of Approval.

- A. A specific plan may include such terms and conditions deemed appropriate or necessary by the City Council to make the findings specified in the Title above. The specific plan adoption resolution may link its adoption to other entitlements or programs, such as subdivision or parcel maps, area facilities plans, design guidelines, monitoring programs, and financing mechanisms.
- B. A specific plan or its conditions of approvals may be subsequently modified per Chapter 19.45, *Minor and Major Modifications*.

Chapter 19.18

MHP Mobilehome Park Overlay District

Sections:

19.18.010	Purpose
19.18.020	Allowable Uses
19.18.030	Development Standards
19.18.040	Design Standards

19.18.010 Purpose. The purpose of the MHP Mobilehome Park Overlay District is to:

- A. Recognize the importance of existing mobilehome parks as a valuable city resource providing affordable housing and stable communities, protected from speculative pressures to convert to other land use types.
- B. Provide appropriate areas for residential mobilehome park development that are consistent with the General Plan and with standards of the public health and safety as established by State or City Code.
- C. Ensure adequate light, air, privacy and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other environmental effects.
- D. Achieve design compatibility with surrounding neighborhoods and promote and encourage orderly residential development with appropriate physical amenities.

19.18.020 Allowable Uses.

- A. Permitted Uses. The following uses may be allowed in the MHP Overlay District through approval of a Design Permit (Chapter 19.41):
 - 1. Mobilehome Park, defined as a site developed for the long-term placement of mobilehomes that are certified under the National Manufactured Housing Construction and Safety Standards Act of 1974.
 - 2. Accessory structures and recreational facilities related to mobilehome parks.
 - 3. Caretaker's quarters.
- B. Conditionally-Permitted Uses. The following uses may be allowed in the MHP Overlay District through approval of a Conditional Use Permit (Chapter 19.42):

1. Mobilehome subdivision.
 2. The permitted and conditionally-permitted uses allowed by this Title for the underlying base zone district.
- C. Mobilehome Park Conversion. All requests to convert a mobilehome park or subdivision to another land use requires a rezoning to eliminate the overlay district and compliance with the City's Mobilehome Park Conversion Ordinance.

19.18.030 Development Standards.

- A. Project Area. A site proposed for a mobilehome park or subdivision shall be a minimum of 10 acres.
- B. Density and Site Area.
1. The minimum and maximum overall density of a mobilehome park or subdivision shall conform to the site's General Plan land use designation and the underlying base zone district.
 2. Individual mobilehome sites or lots shall have a minimum area of 3,680 square feet.
- C. Site Width. Individual mobilehome sites or lots shall have a minimum width of 46 feet.
- D. Perimeter Buffer Area. A landscaped area with a minimum width of 20 feet shall be maintained along the exterior boundaries of a mobilehome park or subdivision site as a buffer between the mobilehome units and the adjoining property, except when located adjacent to any public roadway, where a landscaped buffer area with a minimum width of 30 feet of shall be maintained.
- E. Minimum Yards
1. Side and rear yards. A five-foot minimum setback from the outer edge of any structure or mobilehome to the mobilehome side or rear space or lot line shall be maintained.
 2. Front yard. A 15-foot minimum setback from the outer edge of any structure or mobilehome to the mobilehome front space or lot line shall maintained.
 3. Cornices, eaves, canopies, fireplaces and other similar architectural features, but not including any flat wall or window surface, may extend up to two feet into any yard. No other encroachments shall be permitted.

- F. Maximum Height. The maximum height in the MHP Overlay District shall be 25 feet and structures shall be limited to one story.
- G. Common Areas. Common areas shall be provided within a mobilehome park or subdivision for recreation and other activities. The size and type of facilities required will be based on project size and location.
- H. Circulation and Parking. All streets, access drives, parking bays and connection to public roads shall be in accordance with plans reviewed and approved by the City Engineer.
1. Access.
 - a. All mobilehome spaces shall be served from internal private streets within the Mobilehome Park or subdivision, and there shall be no direct access from a mobilehome space to a public street or alley.
 - b. Private streets shall have a clear and unobstructed access to a public thoroughfare.
 2. Street widths.
 - a. The minimum width for any street within a mobilehome park shall be no less than 25 feet.
 - b. No interior street shall be less than 32 feet in width, curb to curb, if parking is allowed on one side and not less than 40 feet in width if parking is allowed on both sides.
 3. Pedestrian circulation. Sidewalks and pedestrian pathways shall be incorporated into the park design to allow normal circulation patterns to take place between adjacent parcels and common areas.
 4. Parking. Parking shall be provided in accordance with Chapter 19.21, Parking and Loading.
- I. Boat and Trailer Storage.
1. All pleasure boats; trailers, campers and motor coaches shall be stored in an approved area set aside for such storage.
 2. Said areas shall be screened from view and shall provide a minimum of one boat or trailer space for every five-mobilehome sites.
 3. Such storage shall not be allowed on any street or individual mobilehome space.

J. Landscaping.

1. A detailed landscaping plan shall be submitted for consideration with each application for a mobilehome park or subdivision, in accordance with Chapter 19.22, Landscaping and Screening. All open areas except driveways, parking areas, walkways, utility areas, decks, patios and porches shall be landscaped and maintained.
2. Substantial trees shall be planted throughout the Mobilehome Park or subdivision, and one street, of a variety approved by the Planning Commission, shall be provided on each lot. Specimen trees of not less than five-gallon container size or one inch in trunk diameter shall be planted.

K. Utilities.

1. All utilities in a mobilehome park or subdivision shall be installed underground.
2. Individual exposed antennas are not permitted. Each mobilehome park or subdivision shall utilize a master antenna system.

L. Fences

1. The approving authority may require that the park or subdivision property be enclosed at the rear and sides by a six-foot fence and/or thick screen planting for control of view, light, sound and adequate security.
2. Fences up to six feet in height may be permitted in the front setback area provided an average setback of ten feet from the street property line is observed and the area between the fence and property line is well landscaped and maintained. The height of fencing and landscaping located at intersections of streets, driveways and pedestrian walkways may be limited to provide clear lines-of site.

- M. Other Standards. Additional development standards may be prescribed as conditions of approval when such requirements are determined to be necessary to ensure the protection of the character of neighboring properties, the compatibility of land uses, and the health and safety of mobilehome development occupants and other City residents.

- N. Continued Maintenance. All recreation facilities, common open spaces, common area landscaping, perimeter walls and streets/driveways established under permits approved prior to adoption of this Chapter shall be maintained and repaired on an ongoing basis to ensure that said facilities serve the purpose intended under the original or subsequent permit approvals.

19.18.040 Signs.

- A. Mobilehome park or subdivision signs shall be limited to one 24-square foot sign per major entrance, not to exceed a height of six feet.
- B. Each mobilehome park or subdivision shall maintain a directory sign showing the location and house number of each unit.
- C. Signs shall be subject to the permit procedures and standards set forth in Chapter 19.23, Sign Regulations, except as noted herein.

Chapter 19.19

CS Specialty Commercial Overlay District

Sections:

- 19.19.010 Purpose**
- 19.19.020 Allowable Uses**
- 19.19.030 Development Standards**

19.19.010 Purpose. The purpose of the CS Specialty Commercial Overlay District is to provide for commercial and commercially-related uses that capitalize on and attract visitors due to a site's unique views and other natural characteristics.

19.19.020 Allowable Uses.

- A. Property in the CS Overlay District may be used either for industrial purposes, consistent with the permitted and conditionally-permitted uses allowed by this Title for the underlying LI base zone district, or for specialty commercial purposes.
- B. Should the owner of property in the CS Overlay District decide to use the property for the purpose set forth in the Title above, the following uses as defined in Use Classifications, may be permitted:
 - 1. Public and Quasi-Public Uses
 - a. Public information center
 - b. Public parking
 - c. Utilities, minor
 - 2. Commercial Uses
 - a. Bank, Savings and Loan, including walk-up service
 - b. Entertainment, indoor
 - c. Lodging services
 - d. Personal services
 - e. Restaurant
 - f. Retail sales, visitor-oriented

C. Should the owner of property in the CS Overlay District decide to use the property for the purpose set forth in the Title above, the following uses as defined in Use Classifications, may be permitted subject to a conditional use permit:

1. Public and Quasi-Public Uses
 - a. Charitable uses
2. Commercial Uses
 - a. Entertainment, indoor; amusement center
 - b. Lodging services adjacent to a residential district
 - c. On-premises liquor consumption, tasting room
 - d. Liquor store
3. Temporary Uses
 - a. Commercial filming
 - b. Live entertainment
 - c. Mobile structure (subject to Chapter 19.30)
 - d. Tent
4. Public and Quasi-Public Uses
 - a. Antenna, commercial
 - b. Antenna exceeding height limitations
5. Commercial Uses
 - a. Entertainment, indoor; gaming
 - b. On-premises liquor consumption
 - c. Restaurant, night use adjacent to residential district
 - d. Restaurant, take-out; night use adjacent to residential district

19.19.030 Development Standards.

- A. The development standards set forth in the Schedule of Zoning District Regulations for the LI District shall apply to development in the CS Specialty Commercial Overlay District.
- B. The design of development in the CS District shall comply with the following criteria:
 - 1. Buildings shall be oriented to take advantage of the site's unique views, where feasible.
 - 2. Architecture should blend with hillsides to the extent feasible.

Chapter 19.20

AC Airport Compatibility Overlay District

RESERVED FOR FUTURE CHAPTER

Chapter 19.21

Parking and Loading Standards

Sections:

19.21.010	Purpose
19.21.020	Applicability
19.21.030	Vehicle Parking Requirements
19.21.040	Loading Requirements
19.21.050	Bicycle Parking Requirements
19.21.060	Repealer

19.21.010 Purpose. These regulations are intended to achieve the following:

- A. To provide parking and loading facilities in proportion to the needs generated by various types of land uses.
- B. To provide accessible, attractive, secure, properly-lighted, and well-maintained and screened off-street parking and loading facilities.
- C. To reduce traffic congestion and hazards.

19.21.020 Applicability.

- A. The requirements of this Chapter shall apply to the establishment, alteration, or change in any use or structure, except as provided herein. Parking required by this Chapter shall be provided at the time any building or structure is erected or enlarged, or a use is established, changed, or expanded. The word "use" shall mean both the type and intensity of the use.
- B. When a change in use or expansion in floor area within an existing development increases by 20 percent or more the amount of off-street parking or loading required by the previous use, parking or loading spaces shall be provided for the increased demand. The number of new spaces provided shall be in addition to the number existing prior to the change in use or enlargement, unless the pre-existing number is greater than the number required by this Chapter for the previous use, in which case the number in excess of the prescribed minimum may be deducted from the number required to be provided to serve the change in use or enlargement.

19.21.030 Vehicle Parking Requirements.

- A. Number of Spaces Required.
 - 1. Automobile parking spaces shall be provided in the number set forth in Table

P-1. Fractional space requirements of .5 or more shall be counted as the next largest whole space. These requirements shall be considered minimum standards. The decision-making authority for a project may require more parking than is required by Table P-1 when it finds that due to the characteristics of a project, the application of the above standards may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots.

2. When two or more use are located in the same building or structure, or are within the same common development, the parking requirements shall be the sum of the separate requirements for each use, except as specifically provided in this Chapter.
3. Requirements for uses not specifically listed herein shall be determined by the decision-making authority for a project, based upon the requirements for comparable uses and upon the particular characteristics of the use.
4. Handicapped parking shall be provided according to the latest standards established by the State of California.
5. No area may be utilized and counted both as a required parking space and a required loading space other than for company owned vehicles periodically stored for onsite loading.

B. Shared Parking.

1. The number of required parking spaces may be reduced for projects comprised of uses that generate parking needs primarily at different times, and that cooperatively establish and operate shared parking facilities.
2. Shared parking may be approved through a Conditional Use Permit for existing development. Where shared parking is proposed for new development as part of a Site Plan Review or Conditional Use Permit application, the request shall be processed concurrently with said applications. Nothing in this section shall preclude the reviewing authority from placing additional conditions to protect the health, safety and welfare of the residents of the City or to establish the number or percentage of parking spaces to be shared.
3. Shared parking arrangements may only be approved if the following requirements are met:

**Table P-1
Required Parking Spaces**

Parking requirements for the land uses specified in the column on the left are set forth in the column on the right.

Residential Uses	
Single-family residential; Two-family residential	2 covered spaces
Multi-family residential; Accessory unit	<i>Studio: 1 covered space</i> <i>Unit with 1 bedroom: 1 covered, plus .5 uncovered spaces</i> <i>Unit with 2 or more bedrooms: 1 covered space plus 1 uncovered space</i> <i>Plus 1 guest space per 4 units</i>
Secondary unit	1 space (covered or uncovered)
Mobile home park	1 covered plus 1 uncovered space per unit, plus .5 guest spaces per unit
Senior citizen housing development	1 per 1.5 units
Public and Quasi-Public Uses	
Elementary school	2 per classroom, plus 1 per 5 fixed seats in an auditorium or per 50 square feet of non-fixed seating area
High school	5 per classroom, plus 1 per 5 fixed seats in an auditorium or per 50 square feet of non-fixed seating area
Pre-schools; day care centers	1 per staff member, plus 1 for each 10 children
<i>Additional parking or designated area for drop-off and pick-up of students for the above uses may be required</i>	
Religious assembly	1 per 4 fixed seats in the principal sanctuary, or 1 per 9 linear feet of fixed benches, or 1 per 50 square feet of non-fixed seating area
Offices, business and professional	1 per 300 s.f. of gross floor area
Retail sales, general	1 per 300 square feet of gross floor area
Retail sales, food	1 per 250 square feet of gross floor area
Bulky merchandise sales, including furniture, household appliances, and building materials	1 per 500 square feet of gross floor area

Public and Quasi-Public Uses (<i>continued</i>)	
Vehicle/equipment sales; nursery	1 per 500 sq. ft. of gross floor area within any showroom, plus 1 per 1,000 sq. ft. of outdoor display or sales area for the first 10,000 square feet; then 1 per 5,000 sq. ft. of outdoor display or sales area thereafter
Wholesaling, commercial	1 per 500 square feet of gross floor area
Restaurant, including those providing liquor consumption	1 per 100 square feet of gross floor area. A minimum of 5 spaces shall be provided for such use.
On-premise liquor consumption as a primary use	1 per 100 square feet of gross floor area. A minimum of 5 spaces shall be provided for such use.
Bank; savings and loan	1 per 200 square feet of gross floor area in public areas (excluding vault), plus 1 per 300 square feet of gross floor area for general office uses
Health services	1 per 200 square feet of gross floor area
Long-term care facility	1 per 2 beds
Personal services	1 per 200 square feet of gross floor area
Lodging services	1 per guest room or unit, plus 1 per 10 rooms or units, plus 1 per 50 square feet of gross floor area in any public meeting room, plus 75% of the requirement for other associated uses
Recreational vehicle park	1 per recreational vehicle site
Funeral and interment services	1 per 4 fixed seats, or
Spectator entertainment; auditorium	1 per 9 linear feet of fixed benches, or 1 per 50 square feet of non-fixed seating area, whichever is greater
Amusement center; nightclub; gaming	1 per 100 square feet of gross floor area
Bowling alley	5 per lane, plus requirements for any related commercial uses
Health club; spa; dance studio	1 per 100 square feet of gross floor area accessible to members or clients, including any pool area
Game court	3 per court

Public and Quasi-Public Uses (continued)	
Golf course	6 per hole, plus 1 per 50 square feet of gross floor area in any public meeting room plus 75% of the requirement for other associated uses
Vehicle repair	4 per repair stall
Service station	1 per pump island, plus 1 per service bay
Car wash, full-serve	1 per 2 employees on the maximum shift, plus vehicle stacking area equal to 3 times the capacity of the enclosed washing operation
Car wash, self-serve	2 spaces for drying and cleaning purposes per stall, plus 2 reservoir spaces in front of each stall
Self-storage facilities	1 per employee A minimum of 5 spaces shall be provided for such use.
Industrial Uses	
Warehousing and storage	1 per 1,000 square feet of gross floor area for the first 20,000 square feet of space, plus 1 per each 2,000 square feet of gross floor area thereafter
Manufacturing, processing, packaging, research, service	1 per 500 square feet of gross floor area
Research and development	1 per 300 square feet of gross floor area
<i>The above requirements for industrial uses may be increased, if necessary, to provide a minimum of 2 spaces per 3 employees on the 2 adjoining shifts having the largest number of employees.</i>	
Company-owned vehicles parked on premises	1 per truck, car or other vehicle

- a. The applicant has provided substantial evidence and documentation (including a description of all uses and operating characteristics) that a sufficient number of spaces are being provided to meet the parking demand of all participating uses at any given time of the day, week or year.
- b. All shared parking spaces shall be located so as to be reasonably accessible to the uses they serve, and shall not be separated from such uses by any street, unless otherwise approved by the decision-making authority.
- c. Reasonable pedestrian connections shall be provided from any

shared parking spaces to all the uses that they serve.

- d. Covenants, conditions and restrictions (CC&R's), deed restrictions or other agreements as may be required by the decision-making authority shall be executed and recorded, ensuring that required parking is provided and that the uses and operating characteristics of all participating uses are maintained.
- C. **Accessory Dwelling Unit Parking.** Parking spaces required for accessory dwelling units (i.e., dwelling units located in a commercial zoning district on the same site as a primary permitted or conditionally-permitted use) shall be specifically designated and reserved by posting, pavement marking and/or physical separation.
- D. **Dimensional Requirements:**
1. **Minimum dimensions.** Required minimum parking dimensions are indicated in Table P-3. Minimum dimensions shall not include any landscaped areas.

Table P-3
Minimum Parking Dimensions for Standard Stalls

Parking Angle (PA)	Minimum Stall Dimensions			Minimum Aisle Widths (A)	
	Width (W)	Depth (D)	Length (L)	One-Way	Two-Way
Parallel	8'	n/a	22'	18'6"	20'
30 degrees	9'	16'	18'	12'	20'
45 degrees	9'	19'	18'	14'	20'
60 degrees	9'	20'	18'	20'	20'
90 degrees	9'	18'	18'	25'	25'

2. **Compact spaces.** Reduced dimensions of 8 feet in width and 16 feet in length (90 degree stalls) may be allowed for uncovered parking spaces for uses shown in Table P-4 that have at least 12 parking spaces. Compact spaces shall be clearly indicated by appropriate markings and signage.

Table P-4
Allowable Compact Parking

Project Type	Max. % Compact Spaces
Multi-Family Residential	40%
Commercial	20%
Industrial - Employee parking	40%

3. Covered residential spaces. Required covered residential parking spaces shall have a minimum unobstructed length of 20 feet, width of 10 feet, and ceiling height of seven feet, six inches.
- E. Striping and Surfacing. All parking lots shall be permanently surfaced and striped in accordance with the City's *Engineering Standards and Specifications*.
- F. Parking Lot Entries. All parking lot entries shall have the minimum widths specified in the City's *Engineering Standards and Specifications*.
- G. Curbing and Walkways
1. Continuous concrete curbing at least six inches high and six inches wide shall be provided at least three feet from any wall, fence, property line, walkway, or structures where parking and/or drive aisles are located adjacent thereto. Curbing may be left out at structure access points.
 2. The clear width of a walkway that is adjacent to overhanging parked cars shall be at least four feet.
 3. Individual wheel stops shall not be used.
- H. Drainage. All required off-street parking areas shall be so designed that surface water will not drain over any sidewalk or adjacent property.
- I. Landscaping.
1. Surface parking areas of ten or more spaces shall have a landscaped area equal to a minimum of 10% of the parking and circulation area.
 2. Landscaped areas shall be distributed throughout the parking area as evenly as possible. In larger parking areas (two or more maneuvering aisles), interior landscaping shall be used to visually separate the parking area into small spaces. Parking row ends shall be protected by landscaped planters.
 3. Landscaped areas shall have a minimum width of five feet.

4. A minimum of one tree shall be provided for every six parking spaces in a double-loaded layout, and one for every three spaces in a single-loaded layout. The trees shall be located so as to visually disrupt long rows of parked vehicles; trees may be clustered. Canopy-type trees should be used to provide a relatively consistent tree cover which will shade the pavement and vehicles.
5. A landscaped strip shall be provided adjacent to any public or private street wherever parking or circulation is generally or immediately located adjacent to such rights-of-way.
6. Defined pedestrian routes shall be incorporated into parking and landscaped areas.
7. Landscape areas shall be bordered by a concrete curb that has a minimum height and width of six inches. Landscaped planters within parking areas may be diamond-shaped in design.

J. Screening.

1. Where vehicles are to be parked immediately adjacent to a public or private street, a solid wall, opaque fence, berm, or compact evergreen hedge with a maximum height of 30 inches, measured from the finished surface of the parking area shall be provided.
2. Where a parking or loading area in a commercial or industrial district is located directly across a street or alley from a residential district, a solid wall, opaque fence, berm, or compact evergreen hedge not less than 6 feet in height shall be located on the property line.

K. Lighting.

1. Public parking areas designed to accommodate three or more vehicles shall have lighting facilities capable of providing sufficient illumination at every point of the parking area. A lighting study demonstrating that a minimum of one-foot candle will be maintained across the surface of the parking area may be required by the Planning Director.
2. Any parking area illumination, including security lighting shall be so arranged as to reflect away from adjoining properties and rights-of-way.

L. Location of Parking Spaces.

1. Except as otherwise set forth in the shared parking section of this chapter,

parking spaces required by this Chapter within commercial and industrial zones shall be located on the same lot or parcel of land as the use they serve, and within 300 feet of the use they serve. Such distance shall be computed from the nearest point of a structure's public access to the nearest point of the parking area. Required parking shall not be located in any required front or street side setback area.

2. Required parking for single-family dwellings and secondary units shall be located on the same lot as the dwelling served, and shall not be located within a required front or street side setback area.
3. Required parking for multi-family dwellings shall be located on the same lot as the dwelling served, or in the case of parking being located in a common area, not more than 150 feet from the dwelling served, and shall not be located within a required front or street side setback area.
4. Tandem parking may be allowed for single- and two-family dwelling units when the tandem space is behind the covered space serving the same unit.
5. Parking shall be designed so that all maneuvering may occur on-site and that all vehicles may enter an abutting street in a forward direction. The Director may approve exceptions for residential projects.
6. No space in a parking lot shall be located so that a vehicle must maneuver within 20 feet of a vehicular entrance, measured from the property line.

M. Maintenance. All required parking facilities, including surfacing and striping, shall be permanently maintained in good condition, free of litter and debris.

19.21.040 Loading Requirements.

- A. Number Required. Loading spaces shall be provided according to Table P-5 for the specified uses. The decision-making authority may require more loading spaces than are required by Table P-5 to insure that a sufficient off-street loading area will be provided to accommodate routine operations in a safe and convenient manner. Required loading spaces shall be designated as such and restricted to such use.

**Table P-5
Required Loading Spaces**

Use	Gross Floor Area	Min. Loading Spaces
Commercial (non-office)	< 5,000 sq. ft.	None
	5,000 - 20,000 sq. ft.	One
Office	< 20,000 sq. ft.	None
	20,000 - 40,000 sq. ft.	One
Manufacturing, wholesale, warehousing, industrial	< 20,000 sq. ft.	One
<i>All of the above uses</i>	<i>Each addl. 20,000 sq. ft.</i>	<i>One additional space</i>

- B. Minimum Dimensions. Each loading space shall have an unobstructed minimum dimension of 12 feet in width, 45 feet in length, and 14 feet in height. Larger spaces may be required by the decision-making authority to ensure that a sufficient off-street loading and unloading area will be provided to accommodate routine delivery or shipment operations in a safe and convenient manner.
- C. Location of Loading Spaces.
1. Loading spaces required by this Chapter shall be located immediately adjacent to the exterior wall of the building they serve or within the building.
 2. Loading spaces shall not be located in any required front or side yard.
 3. The location of loading spaces should minimize potential impacts on adjacent uses.
 4. Loading spaces should be so located and designed that trucks shall not be required to back into a public street for ingress or egress. Truck maneuvering areas should be provided on-site where necessary to comply with this requirement.
 5. Loading spaces should be concealed from off-site view to the maximum extent feasible.
 6. Where a loading area in a commercial or industrial district is located directly across a street or alley from a residential district, a solid wall, opaque fence, or compact evergreen hedge not less than 6 feet in height shall be located on the property line.

19.21.050 Bicycle Parking Requirements.

- A. Bicycle parking shall be provided in commercial and employment areas according to Table P-6.

**Table P-6
Required Bicycle Parking**

Total Automobile Parking Spaces	Min. No. of Bicycle Spaces	Total Automobile Parking Spaces	Min. No. of Bicycle Spaces
1 – 4	0	75 – 99	6
5 - 14	1	100 – 199	7
15 - 29	2	200 – 299	8
30 - 44	3	300 – 399	9
45 - 59	4	400 and greater	10
60 - 74	5		

- B. Bicycle parking should be located in highly-visible locations and should be lockable.
- C. The bicycle parking requirement may be phased for parking areas containing 60 or greater spaces depending on accessibility of the area to bicycle routes.

19.21.060 Repealer. This section supersedes and repeals Sections 12248.2(c,d&e), 12275, 12278.7, 12278.8, 12279.7, 12279.8, 12278.10(d), 12407, 12408, 12417(c) and 12255(c,d&e) of the Napa County Zoning Ordinance adopted by the City upon incorporation as they pertain to parking and loading zone requirements.

Chapter 19.22

Landscaping and Screening

Sections:

- 19.22.010 Purpose
- 19.22.020 Landscape Plans

19.22.010 Purpose. The purpose of this Chapter is to ensure that urbanized areas are sufficiently augmented by adequate landscaping and open space in order to:

- A. Shade vehicles in parking lots,
- B. Break up extensive stretches of paving,
- C. Reduce impervious areas,
- D. Provide natural solar insulation for buildings, to screen certain types of land uses where appropriate,
- E. Create interesting and defined entries to facilities, and,
- F. Soften project perimeters.

19.22.020 Landscape Plans.

- A. Applicability.
 - 1. Landscape plans shall be required for all entitlements for which design permit approval is required (Chapter 19.41).
 - 2. The requirements and specifications for landscape plan review may be waived or modified for discretionary applications involving minimal or no new construction at the discretion of the decision-making authority.
- B. Application. Where discretionary approval is required by this Title for the use or uses for which the landscaping is being provided, a conceptual landscape plan showing the general location and type of proposed landscaping materials and hard surfaced areas shall be submitted in conjunction with the application for the discretionary permit. Following approval of the discretionary permit but prior to the issuance of any building or grading permit for the principal use or uses, the applicant shall submit a final landscape plan to the Planning Director for review and approval.

C. Contents.

1. Landscape plans shall be submitted to the Planning Department and shall contain all information specified on applicable City forms.
2. Where the required landscaped area exceeds 5,000 square feet, such plans shall be prepared by a landscape design professional.

D. Review and Approval.

1. Conceptual landscape plans shall be reviewed and approved by the Planning Commission, except for entitlements subject to the approval of the Planning Director (pursuant to Chapter 19.40, *Review and Approval Procedures*).
2. Final landscape plans shall be subject to review and approval by the Planning Director.

E. General Requirements.

1. The setbacks from streets required by the *Schedule of Zoning District Regulations* shall be fully landscaped except in single-family districts where parking may be permitted as specified in this Title.
2. All landscaped areas shall be protected by six-inch concrete curbing.
3. Parking and circulation areas shall be landscaped according to the requirements this Title.
4. Landscaping materials installed in planters or areas near streets or utilities shall be selected from a list of approved species maintained by the Planning Director.

F. General Design Standards.

1. Plans and specifications for landscaping, irrigation systems, tree preservation, and slope planting for erosion control shall reflect use of the following:
 - a. Planting materials of a type, size, and placement compatible with the project and surrounding land uses;
 - b. Sound soil preparation and planting practices; and,
 - c. Proper irrigation for healthy plant growth and maturation and the avoidance of the watering of buildings, public ways, and pedestrian access.

2. The scale and nature of landscape materials should be appropriate to the site and/or structure. Large-scale buildings generally should be complemented by large-scale landscaping.
3. Landscaping should be used to separate parking and vehicle circulation areas from buildings, to provide a visual landscaped foreground for buildings, and to enhance the perimeter of a project.
4. The use of indigenous, native plant materials is encouraged.
5. Live plant materials generally should be used in all landscaped areas. Bark should only be utilized as mulch, not as a permanent form of ground cover.
6. Landscape planters abutting parking areas shall be sufficiently large to allow for vehicle overhang without extending into the planting area.

G. Trees.

1. Landscape plans for sites on major streets should include large-scale street trees, with deep root systems and broad canopies.
2. Tree planting shall consider passive solar heating and cooling opportunities related to building orientation.
3. Trees shall be provided in parking lot areas in a manner that provides shading of parked vehicles to the maximum extent feasible.
4. Trees shall be properly supported. Stakes and ties on trees shall be checked regularly for correct functions. Ties shall be adjusted to avoid creating abrasions or girdling on trunks or branches.

H. Hard Surfaces. Required planter or landscaped areas may be combined with pedestrian walks and similar hard surface areas, provided that such hard surface areas do not cover more than 10% of any required planter or landscaped areas. Ornamental or landscaping rock and gravel areas, artificial turf, or other areas covered with other artificial materials shall be considered hard surface areas for the purpose of this provision.

I. Slopes.

1. All manufactured slopes over five feet in height created by grading shall be fully landscaped utilizing a combination of trees, shrubs and ground cover materials.
2. Stabilizing jute netting or equivalent netting shall be provided in conjunction

with the landscape planting and shall fully cover lower slope areas.

J. Installation.

1. All landscaping and planter areas shall be installed consistent with an approved landscape plan prior to final building permit sign-off or granting of an occupancy permit for a project.
2. Prior to the installation of landscaping in any public right-of-way, the developer shall provide for continued maintenance by an agreement with the City of American Canyon.

K. Maintenance.

1. Required landscaped areas shall be continually maintained in good condition and kept clean and weeded.
2. Dead or dying plant material shall be replaced consistent with the approved landscape plan.

L. Irrigation.

1. All required landscaped areas shall be served by an automatic irrigation system which includes an adequate backflow device. Drip systems are encouraged where feasible to maximize efficiency and reduce water use.
2. Sprinklers shall be spaced to assure complete coverage of a landscaped area.
3. Irrigation systems shall be kept in good working condition. Adjustments, replacements, repairs, and cleaning shall be a part of regular maintenance.

Chapter 19.23

Sign Regulations

Sections:

19.23.010	Purpose and Intent
19.23.020	Applicability
19.23.030	Exempted Signs
19.23.040	Signs Allowed by Permit
19.23.050	Sign Programs
19.23.060	Permit Procedures
19.23.070	Prohibited Signs
19.23.080	Nonconforming Signs
19.23.090	Sign Removal
19.23.100	Design, Construction and Maintenance
19.23.110	Exceptions
19.23.120	Definitions and Interpretation

19.23.010 Purpose and Intent.

A. Purpose. The purpose of these sign regulations is to:

1. Encourage the effective use of signs as a means of communication in the City while avoiding visual clutter;
2. Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development.
3. Protect and improve pedestrian and traffic safety;
4. Minimize the possible adverse effect of signs on nearby public and private property;
5. Enable the fair and consistent enforcement of these sign restrictions and implement the goals and policies of the General Plan and further the purposes of the Zoning Ordinance.

B. Intent. The intent of this Chapter is to:

1. Establish a permit system to allow a variety of types of signs in commercial and industrial districts, and a limited variety of signs in other districts, subject to the standards and the permit procedures of this Chapter;

2. Allow certain signs that are small, unobtrusive, and incidental to the principal use of the sites on which they are located, subject to the substantive requirements of this Chapter, but without a requirement for permits;
3. Prohibit all signs not expressly permitted by this Chapter;
4. Abate non-conforming signs. and;
5. Provide for the enforcement of the provisions of this Chapter.

19.23.020 Applicability. A sign may be constructed, erected, placed, established, painted, created or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of this Chapter.

19.23.030 Exempted Signs. The following signs shall be exempt from regulation under this Chapter:

- A. Any sign erected and maintained pursuant to, and in discharge of any governmental function or required by any law, ordinance or governmental regulation.
- B. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- C. Painting, cleaning, exact replacement and normal maintenance and repair of a sign.
- D. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located.
- E. Signs located within malls, courts, arcades, porches, patios and similar areas where such signs are not visible from any point on the boundary of the premises. Such signs are not, however, exempt from structural, electrical or material specifications as set forth in the Uniform Building Code.
- F. Holiday lights and decorations with no commercial message placed no more than six weeks prior to, and one week after the associated holiday.
- G. On-site directional and traffic-control signs that contain no commercial message and do not exceed two square feet in area or five feet in height.
- H. Commemorative plaques of recognized historical societies and organizations.

- I. Signs on vehicles that provide public transportation, including, but not limited to, buses and taxicabs.
- J. Signs on licensed commercial vehicles, including trailers that are painted on the vehicle or attached to its doors; provided, however, that such vehicles are not utilized as parked or stationary outdoor display signs.
- K. One sign attached to and parallel to the front of a building or occupant entrance of up to two square feet in sign area, that contains no commercial message.
- L. One sign per unit not exceeding 4 square feet or 3 feet in height.
- M. One unlighted real estate sign per residential unit, not exceeding six square feet in sign area or five feet in height, that contains no commercial message.
- N. Directional signs for directing prospective buyers to property offered for sale not exceeding four square feet in area and three feet in height. Such signs shall be located outside of any public right-of-way and may be displayed for up to 48 hours.
- O. Signs pertaining to an election in which a candidate or ballot measure will be voted on and not exceeding a total sign area of 32 square feet in sign area. Such signs shall not be displayed earlier than 90 days prior to the election and shall be removed within 10 days thereafter, except that a sign on behalf of a candidate who is successful in a primary election may be retained for the general election. No such sign shall be a roof sign. Removal of political signs shall be the responsibility of the property owner.
- P. Flags of the United States, State of California, City of American Canyon and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction flown from a pole the height of which is no more than the maximum permitted height for structures in the applicable zoning district. Any flag not meeting any one of these conditions shall be considered a banner sign and shall be subject to regulation as such.
- Q. Special event signs, including banners, and A or T frame signs for non-profit organizations. The sign areas of special event building signs and freestanding signs shall not exceed more than half of the sign area allowed for similar permanent signs. Special event signs may be posted a maximum of four times per year per business or organization, and for no more than 30 consecutive days at a time. The location, size, and height of the Special Event Sign requires the review and approval of the Planning Director for conformance to the City's Sign Ordinance prior to installation.

19.23.040 Signs Allowed by Permit. The signs listed in Table S- I may be allowed in the designated zoning districts, subject to the issuance of a permit per Section 6. Size, Number and Height Limitations.

- A. Size, Number and Height Limitations. The size, number, and height of signs for a site, building or project shall conform with the requirements of Table S- I .
- B. Maximum Total Wall Sign Area. The maximum total wall sign area allowed for a building or tenant shall be based on the lineal frontage (Based on total horizontal width of business, exclusive of any jogs or variation to wall plane) of the primary business facade. A portion of this total sign area may be allocated to one or more secondary facades. If a business faces both Highway 29 and an arterial road, the signage for the wall facing the arterial road may be calculated separately under the wall signage ratio established for businesses without Highway 29 frontage.
- C. Computations. The following principles shall control the computation of sign area and sign height:
 - 1. Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
 - 2. Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
 - 3. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly-established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the

elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

19.23.050 Sign Programs. A sign program shall be required for all new commercial, office and industrial centers consisting of three (3) or more tenant spaces. A property owner may also have the option of filing for a sign program for an existing multi-tenant building or buildings. The purpose of a sign program is to integrate signs with building and landscaping design to form a unified architectural statement. No permit shall be issued for an individual sign within a center where a sign program has been established until it has been determined consistent with the applicable program.

A. Application. For any lot, site or building on which the placement of one or more signs, requires a sign program the owner, developer or leasing agent shall submit to the Director the following:

1. An accurate plot plan of the lot, at such scale as the Director may reasonably require, showing the locations of pertinent buildings, parking lots, driveways, and landscaped areas on such lot.
2. Locations and dimensions of all existing and proposed signs, including the height of monument and freestanding signs Window signs may be shown by indicating the window areas to be covered by signs and the general type of materials to be used; the exact dimension or nature of every window sign need not be specified.
3. Exhibits showing the design, materials, colors and method of lighting for all signs.
4. The sign program shall specify standards for consistency among all signs on the lots affected by the Plan with regard to location, sign proportions, materials, color schemes, lettering and graphic styles, and lighting.
5. If any new or amended sign program is filed for a site on which existing signs are located, it shall include a schedule for bringing into conformance, within one year, all signs not conforming to the proposed new or amended plan or to the requirements of this Chapter in effect on the date of submission.

B. Sign Programs for Planned Commercial Centers. Proposed Commercial Centers containing five acres or more in area are subject to a sign program approved by the Planning Commission as part of a Conditional Use Permit, Site Plan Review, or similar entitlement request. Sign area and heights may be greater than those specified in Table S-1 as may be determined under the Conditional Use Permit subject to the findings set forth in Section 6 (D).

- C. Kiosk Sign Program. No off-site subdivision directional signs may be permitted except those provided under a Kiosk Sign Program as may be approved by the Planning Commission. The Commission review will include size, height, design, materials and colors of proposed kiosk, along with locations and maximum number of kiosk signs within the City. In addition, the following standards are applicable:
1. The panel and sign structure design shall be in accordance with this Chapter.
 2. No kiosk sign structure shall be located less than 300 feet from an existing or previously approved kiosk site except in the case of signs on different corners of an intersection.
 3. All kiosk signs shall be placed on private property with written consent of the property owner or on City right-of-way pursuant to a City encroachment permit.
 4. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a sign permit.
 5. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances, added to the kiosk signs as originally approved, no other non-permitted directional signs, such as poster or trailer signs, may be used.
 6. All non-conforming subdivision kiosk directional signs associated with the subdivision in question must be removed prior to the placement of directional kiosk sign(s).
- D. Optional Provisions. A sign program may contain such other restrictions as the owners of the lots may reasonably determine.
- E. Binding Effect. After approval of a sign program, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and any such plan may be enforced in the same way as any provision of this Title. In case of any conflict between the provisions of such a Plan and any other provision of this Chapter, the Chapter shall control.
- F. Amendment. A sign program may be amended by filing a new plan that conforms with all requirements of this Chapter then in effect.

19.23.060 Permit Procedures. The following procedures shall govern the application for, and issuance of all sign permits under this Chapter, and the submission and review of sign programs.

- A. **Permit Applications.** All applications for sign permits and for approval of a sign program shall be submitted to the Planning Department on forms specified by the Planning Director. An application shall be accompanied by any fee established by the City Council.
1. Such applications shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a sign program in effect for the lot, along with such other information needed for the Director or Planning Commission to determine compliance with the provisions of this Chapter. One application and permit may include multiple signs on the same lot or in the same project.
 2. If plans submitted for a zoning clearance, development plan or conditional use permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this Chapter, then issuance of the requested clearance, plan or permit may constitute approval of the proposed sign(s) or signage plan if so stipulated.
- B. **Review Authority.** Sign permits and sign programs shall be reviewed and approved, conditionally approved, or denied by the Director, except for the following, which shall be decided upon by the Planning Commission:
1. Freestanding signs that exceed eight feet in height.
 2. Sign programs for projects of two acres or more.
 3. Kiosk sign program for off-site subdivision directional signs
 4. Individual signs exceeding 40 square feet in area.
 5. Signs of unique design, character, and/or merit which are determined by the Director to require special consideration.
 6. Electronic reader boards, as defined herein, may be permitted upon approval of a Use Permit in each case. All messages or images shall be faded in and out only and any message or image must be scrolled rather than flashed, and otherwise conform to the Sign Ordinance.
 7. Referrals from the Director.

8. Appeals of Planning Director decisions.
- C. Decision of the Planning Director. The Planning Director or his/her designee shall accept and review sign applications for conformance with this Chapter. Applications shall be referred to other departments as appropriate to provide opportunity for comments. If, after reviewing the application and receiving comments it is determined that the proposed application complies With provisions of this Chapter. the Planning Director shall issue a permit to install the sign.
 - D. Required Findings by Planning Commission. Approval of a sign permit or sign program may be granted by the Planning Commission only if all of the following findings are made:
 1. The application complies with all applicable provisions of this Chapter and any applicable approvals granted for the project by any decision-making authority.
 2. The application complies with any applicable design guidelines. plans and policies adopted by the Planning Commission or City Council.
 3. The application complies with any sign program in effect for the property.
 - E. Assignment of Sign Permits. A valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.
 - F. Additional Permits. Building, electrical, and fire permits shall be obtained for signs as required by federal, state, and local laws.

19.23.070 Prohibited Signs. All signs not expressly permitted or exempted from regulation under this Chapter are prohibited. Prohibited signs include, but are not limited to:

- A. Illegal signs, as defined in this Chapter.
- B. Animated. moving and flashing signs.
- C. Beacons.
- D. Windblown devices, such as pennants, streamers, balloons, and permanent banners, not approved by a sign permit or as expressly exempted by this Chapter.
- E. Strings of lights not permanently mounted to a rigid background. except those exempted by this Chapter.

- F. Inflatable signs and tethered balloons.
- G. Off-site subdivision directional signs except as may be approved under a sign program.
- H. Roof signs.
- I. Projecting signs.
- J. Portable signs unless used for directional purposes pursuant.
- K. Flashing signs.
- L. Signs on vehicles, including trailers, that are not used for pick-up, delivery or servicing purposes, and are utilized as parked or stationary signs.
- M. Any sign identifying a use, facility or service which is not located on the premises other than those that may be expressly permitted by this Ordinance.

19.23.080 Nonconforming Signs.

- A. A legally-established sign that fails to conform to this Chapter shall be allowed continued use, except that the sign shall not be:
 - 1. Expanded, moved or relocated.
 - 2. Re-established after a change in use.
- B. Sign copy and sign faces may be changed on nonconforming signs when there is no change to the primary use of the site or when only a portion of a multiple-tenant sign is being changed.
- C. Nonconforming signs shall not prevent the installation of conforming signs.
- D. Any nonconforming sign may be required to be brought into conformance or abated in conjunction with the approval of any permit requiring discretionary approval by the Planning Director, Planning Commission or City Council.

19.23.090 Sign Removal.

- A. The following signs shall be subject to removal:
 - 1. Prohibited signs - Any sign prohibited by this Chapter.

2. Illegal signs - Any sign erected or altered in violation of any ordinance or regulation in effect at the time of its erection or alteration.
 3. Abandoned signs - A sign which advertises or identifies a business, lessor, owner, product, service, or activity which has been discontinued on the premises for a period of 30 days or more and which is hereby declared a public nuisance.
 4. Damaged signs - Any noncontouring sign which has been more than 50 percent damaged, and the damage cannot be corrected simply by copy replacement.
 5. Any sign which is or may become a danger to the public or is unsafe.
 6. Any sign which constitutes a traffic hazard not created by relocation of streets or highways or by acts of any city or county.
 7. Any sign failing to comply with the design, construction and maintenance standards.
- B. The Planning Director shall remove or cause the removal of any sign constructed, altered or maintained in violation of this Chapter.
1. Such removal may occur 15 days after the date of mailing of registered or certified written notice to the owner of the sign, if known, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within 15 days.
 2. If the owner disagrees with the opinion of the Director, the owner may, within the said 15-day period, request a hearing before the Planning Commission to determine the existence of a violation.
 3. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

19.23.100 Design, Construction and Maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:

- A. All signs shall be consistent with any adopted design guidelines.
- B. All signs shall comply with applicable provisions of the City's building and electric codes.

- C. Except for banners, flags, temporary signs and window signs, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- D. Banners, canopies, suspended signs and flags shall maintain a vertical clearance of nine feet from any sidewalk, private driveway or parking area.
- E. The illumination of a sign within 300 feet of and visible from a residential district, measured along the radius of a 180-degree arc extending from a sign face, shall be the minimum necessary to provide readability.
- F. All signs shall be maintained in good structural condition, and in conformance with this Chapter.

19.23.110 Exceptions. The Planning Commission may, at a duly noticed public hearing, approve an Exception to any of the area, height, and width standards set forth in this Chapter upon making the following Findings:

- A. That the proposed sign or signs does not exceed any of the adopted area, height, and width standards by more than 20%; and
- B. That the scale, mass, and proportion of the proposed sign is in keeping with any existing or contemplated development on the property; and
- C. That the proposed increase in area, height, or width will not result in an unsightly or obnoxious appearance; and
- D. That the sign will not impair the visibility of any other permitted signs on the site or adjacent properties; and
- E. That the location of the proposed sign will not interfere with sight distance from any access or egress point on the property; and
- F. That the required amount of landscaping around the base of the sign is increased in an amount equal to the percentage of the Exception (i.e. if the area of the sign is increased by 20%, the area of landscaping at the base must also be increased by 20%), and
- G. That the granting of the Exception will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the vicinity of the proposed sign.

19.23.120 Definitions and Interpretation. Words and phrases used in this Chapter shall have the meanings set forth in this section. Words and phrases not

street A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

street frontage The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

suspended sign A sign that is suspended from the underside of a canopy, eave or marquee and is supported by such surface.

wall sign A sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

window sign Any sign, picture, symbol, or combination thereof. designed to communicate information about an activity, business, commodity, event, sale. or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Table S-1
Signs Allowed by Sign Permit
RS, RM, RH and PC Districts

Sign Type	Number of Signs	Maximum Sign Area	Maximum Sign Height	Location Requirements	Additional Requirements
Wall or monument	1 per major entrance to residential neighborhood or project	24 square feet	6 feet	Minimum 5-foot setback from public right-of-way for monument signs. Wall signs may not project above eavelines.	May not create traffic hazard at corners or driveways. Maintenance responsibility must be assigned to community association.
Wall or monument	1 per major entrance to site or primary building devoted to public or quasi-public uses.	24 square feet	6 feet	Minimum 5-foot setback from public right-of-way monument signs. Wall signs may not project above eavelines.	May not create traffic hazard at corners.
Free-standing, temporary	1 per vacant or developing site, limited to one per street frontage or entrance	32 square feet	8 feet	Minimum 5-foot setback from public right-of-way.	May not be illuminated - must be removed 7 days following sale of property or completion of construction.

CC, TC, MU and CN Districts – lots without Highway 29 frontage

Sign Type	Number of Signs	Maximum Sign Area	Maximum Sign Height	Location Requirements	Additional Requirements
Wall, canopy, or window		1.0 square foot of total sign area per lineal foot of primary business façade. Up to 25% sign coverage of any window		May not project above eaveline	
Suspended	1 per building entrance	6 square feet		Minimum 8 ft. 6 in., vertical clearance above grade	
Freestanding	1 per 300 feet of project street frontage (Each freestanding business or commercial center is permitted a minimum of one freestanding sign, regardless of frontage length)	40 square feet	6 feet above grade or 4 feet above top of planter or landscaped mound	Minimum 5 foot setback from public right-of-way	May not create traffic hazard at corners of driveways. Planter base or landscaped area equal to four times the area of one sign face
Freestanding menu board	1 per restaurant drive-through	30 square feet	7 feet	Shall not pose a hazard to on site circulation	Shall face away from street where feasible
Freestanding temporary	1 per vacant or developing site, limited to one per street frontage or entrance	32 square feet	8 feet	Minimum 5-foot setback from public right of way	May not be illuminated

CC, MU and CN Districts – lots with Highway 29 frontage

Sign Type	Number of Signs	Maximum Sign Area	Maximum Sign Height	Location Requirements	Additional Requirements
Wall, canopy or window		1.5 square foot of total sign area per lineal foot of primary business façade. Up to 25% sign coverage of any window.		May not project above eaveline	
Suspended	1 per building entrance	6 square feet		Minimum of 8 ft. 6 in., vertical clearance above grade	
Freestanding	1 per 300 feet of project street frontage (Each freestanding business or commercial center is permitted a minimum of one freestanding sign, regardless of frontage length)	40 square feet	6 feet above grade or 4 feet above top of planter or landscaped mound	Minimum 5 foot setback from public right of way	May not create traffic hazard at corners or driveways. Planter base or landscaped area equal to four times the area of one sign face
Freestanding - Highway 29 orientation	1 per project with 300 feet or more of frontage adjacent to Highway 29 (in-lieu of one freestanding sign permitted above)	50 square feet	12 feet	Minimum 10 foot setback from public right of way	May not create traffic hazard at corners or driveways. Planter base or landscaped area equal to four times the area of one sign face

CC, MU and CN Districts – lots with Highway 29 frontage, continued

Sign Type	Number of Signs	Maximum Sign Area	Maximum Sign Height	Location Requirements	Additional Requirements
Freestanding menu board	1 per restaurant drive-through	30 square feet	7 feet	Shall not pose a hazard to on site circulation	Shall face away from street where feasible
Freestanding temporary	1 per vacant or developing site, limited to one per street frontage or entrance	32 square feet	8 feet	Minimum 5 foot setback from public right of way	May not be illuminated

LI and GI Districts

Sign Type	Number of Signs	Maximum Sign Area	Maximum Sign Height	Location Requirements	Additional Requirements
Wall, canopy or window		1.0 square foot of total sign area per lineal foot of primary business façade. Up to 25% sign coverage of any window		May not project above eaveline	
Freestanding	1 per 300 feet of project street frontage	40 square feet	6 feet above grade or 4 feet above top of planter or landscaped mound	Minimum 5 foot setback from public right of way	May not create traffic hazard at corners or driveways. Planter base or landscaped area equal to four times the area of one sign face
Freestanding Highway 29 orientation	1 per project with 300 feet or more of frontage adjacent to Highway 29 (in-lieu of one freestanding sign permitted above)	50 square feet	12 feet	Minimum 10 foot setback from public right of way	May not create traffic hazard at corners or driveways. Planter base or landscaped area equal to four times the area of one sign face
Freestanding menu board	1 per restaurant drive through	30 square feet	7 feet	Shall not pose a hazard to on site circulation	Shall face away from street where feasible
Freestanding temporary	1 per vacant or developing site, limited to one per street frontage or entrance	32 square feet	8 feet	Minimum of 5 foot setback from public right of way	May not be illuminated

Chapter 19.24

Significant Habitats

Sections:

19.24.010	Purpose
19.24.020	Applicability
19.24.030	Required Studies
19.24.040	Riparian Corridors
19.24.050	Wetlands and Vernal Pools
19.24.060	Other Significant Habitats

19.24.010 Purpose. The purpose of these provisions is to protect, preserve and enhance the significant biological habitats, plants and wildlife within the City, consistent with the American Canyon General Plan.

19.24.020 Applicability. These provisions shall apply to the following areas:

- A. Riparian corridors, coastal saltmarsh, mixed hardwood forest, and oak savannah designated on published environmental maps and the generalized sensitivity maps of the American Canyon General Plan
- B. Potential vernal pools designated on the generalized sensitivity maps in the General Plan.
- C. Wetlands, as defined by the U.S. Fish and Wildlife Service

19.24.030 Required Studies.

- A. Applications for development that may impact any of the habitat areas contained in this Chapter shall be accompanied by sufficient technical background data to enable an adequate assessment of the potential for impacts on these resources, and possible measures to reduce any identifiable impacts.
- B. In instances where the potential for significant impacts exists, a Biological Assessment Report prepared by a qualified professional who is selected by the City shall be prepared.

19.24.040 Riparian Corridors.

- A. Permitted Uses. Uses within riparian corridors shall be limited to the following:
 - 1. Education and research, excluding buildings and other structures.

2. Passive (non-motorized) recreation, where not in conflict with the biological integrity of the riparian corridor.
 3. Trails and scenic overlooks on public lands.
 4. Fish and wildlife management activities.
 5. Necessary water supply projects.
 6. Resource-consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code.
 7. Flood control projects where no other methods are available to protect the public safety.
 8. Bridges when supports are not in significant conflict with riparian resources.
 9. Underground utilities.
- B. Protective Measures. Development and grading that alters the biological integrity of a riparian corridor shall be prohibited unless no feasible alternative exists and the damaged habitat is replaced with habitat of equivalent value. Development that is permitted within riparian corridors shall:
1. Minimize the removal of vegetation, erosion, sedimentation, and runoff.
 2. Provide for sufficient passage of native and anadromous fish.
 3. Minimize wastewater discharges and entrapment.
 4. Prevent ground water depletion or substantial interference with surface and subsurface flows.
 5. Minimize the channelization of streams and other watercourses.
 6. Provide habitat linkages (wildlife corridors) to adjacent open spaces, where appropriate and feasible.
 7. Use fences, walls, vegetative cover, additional setbacks, or other measures to adequately buffer habitat areas, linkages, or corridors from the built environment.
 8. Locate and design roads and utilities to avoid conflicts with biological resources, habitat areas, linkages, or corridors, where feasible.

9. Utilize appropriate open space or conservation easements in order to protect sensitive species or their habitats.

19.24.050 Wetlands and Vernal Pools.

- A. Development in wetland areas and areas of existing or potential vernal pools shall be designed and sited to preserve such areas in their natural condition, and all reasonable measures shall be taken to avoid significant impacts, including the retention of sufficient natural space, unless these actions result in an unfeasible project, in which case habitat shall be replaced in accordance with the Natural Resources Element of the General Plan.
- B. Development in these areas shall be referred to the Army Corps of Engineers, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service when appropriate for review and necessary approvals.

19.24.060 Other Significant Habitats. Development of areas that encompass designated oak savannah, mixed hardwood forest, and coastal saltmarsh areas shall:

- A. Maintain a buffer from the edge of a designated zone as may be recommended by a Biological Assessment Report.
- B. Maintain connectivity to surrounding habitats, where they exist.
- C. Limit public access in areas where damage to habitat may occur.

Chapter 19.25

Hillsides

Reserved for future chapter

Chapter 19.26

Floodplains

Findings

- 19.27.010 Purpose
- 19.27.020 Definitions
- 19.27.030 State University System
- 19.27.040 Density Bonus for Affordable Housing
- 19.27.050 Density Bonus for Large Rental Units
- 19.27.060 Density Bonus for University Research
- 19.27.070 Housing Needs Assessment and Agreements
- 19.27.080 Housing Agreements

Reserved for future chapter

Chapter 19.27

Housing Incentives

Sections:

19.27.010	Purpose
19.27.020	Definitions
19.27.030	State Density Bonus Program
19.27.040	Density Bonus for Affordable Senior Citizen Housing
19.27.050	Density Bonus for Large Rental Units
19.27.060	Density Bonus for Disabled-Accessible Units
19.27.070	Housing Incentives Review and Approval
19.27.080	Housing Agreements

19.27.010 Purpose. The purpose of this Chapter is to encourage the development of housing which meets the needs identified in the Housing Element of the General Plan by allowing the granting of density bonuses and other incentives. Nothing in this Chapter shall be construed as requiring the City to grant a density bonus or to grant the maximum density bonus allowed by the provisions of this Chapter, except in the case of state-mandated density bonuses.

19.27.020 Definitions. Whenever the following terms are used in this Chapter, they shall have the meaning established by this Section:

- A. *Additional incentives* means such regulatory concessions as specified in California Government Code Subsections 65915 (d) and (h) to include, but not be limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the housing development, or any other regulatory incentive which would result in identifiable cost avoidance or reductions that are offered in addition to a density bonus.
- B. *Density bonus* means a density increase over the otherwise maximum residential density.
- C. *Housing agreement* means a legally binding agreement between a developer and the City to ensure that the requirements of this Chapter are satisfied.
- D. *Density bonus units* means those residential units granted pursuant to the provisions of this Chapter which exceed the otherwise maximum residential density for the development site.
- E. *Equivalent financial incentive* means a monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

1. A density bonus and an additional incentive(s); or
 2. A density bonus, where an additional incentive(s) is not requested or is determined to be unnecessary.
- F. *Housing development* means construction projects consisting of five or more residential units, including single family, multi-family, and mobilehomes for sale or rent.
- G. *Maximum residential density* means the maximum number of residential units permitted by the City General Plan Land Use Element and Zoning Ordinance at the time of application, exclusive of any density bonus. If the housing development is within a Planned Community or Specific Plan District, the maximum residential density shall be determined on the basis of the general plan and the maximum density of the underlying zone.
- H. *Qualifying resident* means senior citizens or other persons eligible to reside in senior citizen housing.
- I. *Senior citizen housing* means a housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et. seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations and as that phrase is used in California Civil Code Section 51.2 and 51.3.
- J. *Target unit* means a dwelling unit that will be reserved for sale or rent to, and affordable to, very low- or low-income households, or qualifying residents.

19.27.030 State Density Bonus Program. This Section is intended to provide incentives for the production of housing for certain groups in accordance with Sections 65915 and 65917 of the California Government Code.

- A. **Applicability.** The provisions of this Section shall apply to a housing development whose applicant or developer agrees to provide the following:
1. At least 20 percent of the total units of the housing development as target units affordable to lower-income households (as defined in Article 1, *Definitions*); or
 2. At least 10 percent of the total units of the housing development as target units affordable to very low-income households (as defined in Article 1, *Definitions*); or
 3. Senior citizen housing.

- B. Incentives: The City shall provide a density bonus of at least 25 percent, and one or more additional incentives, or equivalent financial incentives for qualified housing developments upon the written request of a developer, unless the City makes a written finding that the additional incentive(s) is not necessary to make the housing development economically feasible and to accommodate a density bonus.
1. The incentive(s) granted shall contribute significantly to the economic feasibility of providing the target units. Applicants seeking a waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the housing development economically feasible in accordance with Government Code Section 65915(e). This requirement may be satisfied by reference to applicable sections of the General Plan Housing Element.
 2. The need for incentives will vary for different housing developments. Therefore, the allocation of additional incentives shall be determined on a case-by-case basis. The additional incentives may include, but are not limited to any of the following:
 - a. A reduction of site development standards or a modification of Zoning Code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code. These may include, but are not limited to one or more of the following
 1. Reduced minimum lot sizes and/or dimensions.
 2. Reduced minimum lot setbacks.
 3. Reduced minimum outdoor and/or private outdoor living area.
 4. Increased maximum lot coverage.
 5. Increased maximum building height and/or stories.
 6. Reduced on-site parking standards, including the number or size of spaces and garage requirements.
 7. Reduced minimum building separation requirements.
 8. Reduced street standards, e.g., reduced minimum street widths.
 - b. Allowing the housing development to include non-residential uses and/or allow the housing development within a non-residential zone.
 - c. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions or avoidance of costs.
 - d. A density bonus of more than 25 percent.

- e. Waived, reduced, or deferred planning, plan check, building permits, and/or development impact fees (e.g., capital facilities, park, or traffic fees).
 - f. Direct financial aid (e.g., redevelopment set-aside, Housing Fund money, Community Development Block Grant Funding) in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land or construction costs.
3. In determining the minimum number of density bonus units to be granted pursuant to this Section, the maximum residential density for the site shall be multiplied by .25. When calculating the number of permitted density bonus units, any fractions of units shall be rounded to the next larger integer.
 4. In determining the number of target units to be provided pursuant to this Section, the maximum residential density shall be multiplied by .10 where very low-income households are targeted, or by .20 where lower income households are targeted. The units in the housing development. Where calculating the require number of target units, any resulting decimal fraction shall be rounded to the next larger integer.
 5. In cases where a density increase of less than 25 percent is requested, no reduction will be allowed in the number of target units required. In cases where a density increase of more than 25 percent is requested, the requested density increase, if granted, shall be considered an additional incentive.
 6. In cases where the developer agrees to construct more than 20 percent of the total units for lower-income households, or more than 10 percent of the total units for very low-income households, the developer is entitled to only one density bonus and an additional incentive(s). Similarly, a developer who agrees to construct senior citizen housing with 20 to 10 percent of the units reserved for low or very low income households, respectively, is only entitled to one density bonus and an additional incentive(s). The City may, however, grant multiple additional incentives to facilitate the inclusion of more target units than are required by this Chapter.

C. Development Standards for Target Units:

1. Target units should be constructed concurrently with non-restricted units unless both the City and the developer/applicant agree within the housing agreement to an alternative schedule for development.
2. Target units shall be dispersed within the housing development, to the extent feasible.

3. Where feasible, the number of bedrooms of the target units should be equivalent to the bedroom mix of the non-target units of the housing development; except that the developer may include a higher proportion of target units with more bedrooms.
4. The exterior design and appearance of the target units shall be compatible with the design of the total housing development.
5. Housing developments shall comply with all applicable development standards, except those which may be modified as provided by this Chapter.
6. Target units should be built on-site wherever possible. Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative development site. Where the developer and the City form such an agreement, the resulting linked developments shall be considered a single housing development for purposes of this Chapter. Under these circumstances, the developer shall be subject to the same requirements of this Chapter for the target units to be provided on the alternative site.

D. Continued Affordability.

1. Target units shall remain restricted and affordable to the design group(s) for a period of 30 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance programs, or rental subsidy program), under the following circumstances:
 - a. Both a density bonus and an additional incentive(s) are granted; or
 - b. An equivalent financial incentive equivalent to a density bonus and an additional incentive(s) is granted.
2. Target units shall remain restricted and affordable to the designated group for a period of 10 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program), under the following circumstances:
 - a. Only a density bonus is granted and no additional incentives are granted; or
 - b. A financial incentive equivalent to only a density bonus is granted.

- E. **Determination of Affordable Rents and Sales Prices.** In determining the maximum affordable rent or affordable sales price of target units, the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:

SRO (residential hotel) unit	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 person
2 bedroom	3 person
3 bedroom	4 person
4 bedroom	6 person

- F. **Housing Agreement.** A housing agreement consistent with this Chapter shall be made a condition of the discretionary planning permits (e.g., tract maps, parcel maps, site plans, planned development or conditional use permits) for a housing development receiving a density bonus pursuant to this Section.

19.27.040 Density Bonus for Affordable Senior Citizen Housing.

- A. **Applicability.** A density bonus may be granted for senior citizen housing comprised entirely of units targeted to very low and low-income qualifying residents/seniors.
- B. **Size of Density Bonus.** When a project meets the criteria set forth in Subsection A above, the decision-making authority may grant a density increase of up to 50 percent of the maximum residential density. In determining the size of the bonus, considerations shall be given to the relative proportion of very low-income units in the project.
- C. **Continued Affordability.** The developer shall agree, and the City shall ensure the affordability of all targeted units for the life of the project.
- D. **Housing Agreement:** A housing agreement consistent with this Chapter shall be made a condition of the discretionary planning permits (e.g., tract maps, parcel maps, site plans, planned development or conditional use permits) for a project receiving a density bonus pursuant to this Section.

19.27.050 Density Bonus for Large Rental Units.

- A. **Applicability.** A density bonus may be granted for projects proposing the construction of substantially more than the legally required number of disabled-accessible units, in order to expand to the City's inventory of such units. Such a bonus may be granted only if the project qualifies for the State's affordable housing bonus or the City's affordable senior citizen housing bonus (as set forth in this Chapter).
- B. **Size of Density Bonus.** When a project meets the criteria set forth in Subsection A

above, the decision-making authority may grant a density increase of up to 10 percent of the maximum residential density, in addition to the density bonus granted, consideration shall be given to the number of units above the legally-required amount which are to be provided.

- C. Continued Availability. The developer shall agree, and the City shall ensure disabled accessibility of all units for which the density bonus is granted for the life of the project.

19.27.060 Density Bonus for Disabled – Accessible Units.

- A. Applicability. A density bonus may be granted for projects proposing the construction of substantially more than the legally required number of disabled-accessible units, in order to expand the City's inventory of such units. Such a bonus may be granted only if the project qualifies for the State's affordable housing bonus or the City's affordable senior citizen housing bonus (as set forth in Sections 19.27.030 and 19.27.040, respectively)
- B. Size of Density Bonus. When a project meets the criteria set forth in Subsection A above, the decision-making authority may grant a density bonus of up to 10% (ten percent) of the maximum residential density in addition to the density bonus to be granted, consideration shall be given to the number of units above the legally-required amount which are to be provided.
- C. Continued Availability. The developer shall agree, and the City shall ensure disabled accessibility of all units for which the density bonus is granted for the life of the project.

19.27.070 Housing Incentives Review and Approval.

- A. Conditional Use Permit.
 - 1. A density bonus or other housing incentive may be granted through the approval of a conditional use permit in accordance with Chapter 19.42 of this Title.
 - 2. The conditional use permit may be applied for in conjunction with an application for development plan for specific plan approval, and reviewed and approved in conjunction with the review and approval of such plans.
- B. Application. In addition to the application contents required for conditional use permits or development plans, an application for a density bonus or other housing incentive shall include the following information:
 - 1. The number of proposed target units and a description of the income group(s) or other groups to be targeted.

2. Proposed sales process or rent levels for any affordable units.
3. The location, unit size (square feet), and number of bedrooms of target units.
4. A description of any proposed differences between the target units and other project units in terms of construction, appearance, or amenities.
5. A schedule for completion and occupancy of target units.
6. A description of requested incentives or equivalent financial incentives, if any.
7. An offer to reserve target units for the periods specified in this Chapter.

C. Preliminary Application for Density Bonuses (State Program).

1. An applicant/developer requesting a density bonus or other incentives pursuant to this Chapter may submit a preliminary application prior to the submittal of any formal request for approval for a housing development. Applicants are encouraged to schedule a pre-application conference with the Planning Director or designated staff to discuss and identify potential application issues, including prospective additional incentives. No charge will be required for the pre-application conference.
2. A preliminary application shall include the following information:
 - a. A description of the proposed housing development, including the total number of units, target units, and density bonus units proposed.
 - b. The zoning and general plan designations and assessors parcel number(s) of the project site.
 - c. A vicinity map and preliminary site plan, drawn to scale, including building footprints, and circulation/parking layout.
 - d. If an additional incentive(s) is requested, the application should describe why the additional incentive(s) is necessary to provide the target units, in accordance with this Chapter.
3. Within 45 days of receipt of the preliminary application, the City shall provide to an applicant/developer, in a letter which identifies project issues of concern. The Planning Director or designee shall inform the applicant/developer whether the requested additional incentives (if any) will be recommended for the consideration with the proposed housing development, or that alternative or modified additional incentives will be recommended for consideration in lieu of the requested incentives. If

alternative or modified incentives are recommended, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.

19.27.080 Housing Agreements.

- A. Where required by this Chapter, applicants/developers shall draft and agree to enter into a housing agreement with the City. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director, who shall formulate a recommendation to the decision-making body for final approval.
- B. The housing agreement shall include at least the following:
 - 1. The total number of units approved for the housing development, including the number of target units.
 - 2. A description of the target group(s) that will occupy the target units.
 - 3. The standards for determining the affordable rent or affordable sales price and housing cost for the target units if an affordable housing density bonus was granted.
 - 4. The location, unit size (square feet), and number of bedrooms of the target units.
 - 5. The tenure of use restrictions for the target units if required by this Chapter.
 - 6. A schedule for completion and occupancy of the target units.
 - 7. A description of the additional incentive(s) or equivalent financial incentives being provided by the City, if any.
 - 8. A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third party beneficiaries under the agreement).
 - 9. Other provisions to ensure implementation and compliance with this Chapter.
- C. In the case for sale housing developments, the housing agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:
 - 1. Target units shall, upon initial sale, be sold to eligible target households at an affordable sales price and housing cost, or to qualified residents (i.e., maintained as senior citizen housing).

2. Target units shall be initially owner-occupied by eligible target households, or by qualified residents in the case of senior citizen housing.
 3. The initial purchaser of each target unit shall execute an instrument or agreement approved by the City restricting the sale of the target unit in accordance with this Chapter during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the target unit and shall contain such provisions as the City may require to ensure continued compliance with this Chapter and the state density bonus law.
 4. The City shall establish maximum resale prices for target units during the applicable use restriction period, taking into consideration such factors as cost-of-living increases, any improvements made to the unit, and customary closing costs.
 5. The owner of a target unit who wishes to sell the unit shall provide the first right of refusal to purchase the unit to the City and send written notice to the City of their intent to sell not less than 60 calendar days prior to the intended date of sale of the unit. Upon receipt of the owner's notice, the City shall have 60 calendar days to purchase the unit or to assign its right of refusal.
 6. The owner shall share with the City any amount received by the owner as a result of the first sale following expiration of the applicable use restriction period that is above the maximum resale price. The City shall deposit its share of any such proceeds in its Housing Fund.
- D. In the case of rental housing developments, the housing agreement shall provide for the following conditions governing the use of target units during the use restriction period:
1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the target units for qualified tenants;
 2. Provisions requiring owners of the rental project to verify tenant incomes on an annual basis and maintain books and records to demonstrate compliance with this Chapter.
 3. Provisions requiring owners of the rental project to submit an annual report to the City, which includes the name, address, and income of each person occupying the target units, and which identifies the bedroom size and monthly rent or cost of each target unit.
- E. Following execution of the agreement by all parties, the completed housing agreement, or memorandum thereof, shall be recorded and the conditions therefrom filed and recorded on the parcels or parcels designated for the construction of

target units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The housing agreement shall be binding to all future owners and successors in interest.

Chapter 19.28

Inclusionary Housing Requirements

Sections:

19.28.010	Purpose
19.28.020	Definitions
19.28.030	Applicability
19.28.040	Inclusionary Requirements
19.28.050	Inclusionary Alternatives
19.28.060	City Assistance
19.28.070	Application Procedures
19.28.080	Housing Agreement

19.28.010 Purpose. The purpose of this Chapter is to implement the inclusionary housing program set forth in the Housing Element of the American Canyon General Plan.

19.28.020 Definitions. Unless the context clearly requires otherwise, the definitions in this Chapter shall have the following meanings:

- A. Above Moderate-Income Households are those households with income of more than 120% of Median Income.
- B. Inclusionary Units are those that are required to be provided at affordable rents or sales prices to specified households.

19.28.030 Applicability.

- A. The provisions of this Chapter shall apply to residential projects containing ten or more dwelling units whose initial sales prices or rents will be affordable (as defined in, Definitions) only to above moderate-income households.
- B. Provided, however, that these provisions shall not apply to any subdivision for which the final or parcel map was recorded, or any residential project subject to discretionary approval by the City for which a building permit has been issued by the City prior to the effective date of this Chapter, unless approval or conditional approval of the subdivision or project was expressly conditioned upon participation in an inclusionary program such as that established by this Chapter, or such participation was expressly required as an environmental mitigation measure for the subdivision.

19.28.040 Inclusionary Requirements.**A. Required Number and Type of Inclusionary Units.**

1. Ownership projects subject to the provisions of this Chapter shall provide a number of inclusionary units equal to at least 10 percent of applicable project units (per this Chapter) at prices or rents affordable to lower-income households, unless one of the alternative actions set forth in this Chapter is approved. Such inclusionary units may be either ownership units or rental units.
2. Rental projects subject to the provisions of this Chapter shall provide a number of inclusionary units equal to at least five percent of applicable project units (per this Chapter) at prices or rents affordable to lower-income households and five percent affordable to very low-income households, unless one of the alternative actions set forth in this Chapter is approved. The inclusionary units shall be rental units.
3. In determining the number of inclusionary units to be provided, any decimal fraction of 0.3 or more shall be rounded up to the nearest whole number, and any decimal fraction of less than 0.3 shall be rounded down to the nearest whole number.
4. Where an odd number of inclusionary units are required of a rental housing project, a larger number of units affordable to very low-income households shall be provided (e.g., if the inclusionary requirement equals three units, two shall be affordable to very low-income households and one shall be affordable to a lower-income household.) If only one inclusionary unit is required, such unit must be affordable to a very low-income household.

B. Development Standards for Target Units.

1. Inclusionary units should be constructed concurrently with market rate units unless both the City and the developer/applicant agree within the housing agreement to an alternative schedule for development.
2. Inclusionary units shall be evenly distributed throughout the project, except that the decision-making body may waive this requirement if it finds that such distribution is infeasible for one or more of the following reasons:
 - a. Significant topographic or other constraints exist rendering such distribution infeasible.
 - b. Substantially improved site design will result from such waiver.

- c. Substantially improved building design and an improved unit amenity level will result from such waiver.
 - d. Significant economic hardships will result from such distribution that does not apply to other projects in the City.
 - e. Significant economic hardships will result from such distribution for the developer of the inclusionary units receiving financial assistance from federal, state, or local governmental agencies if such waiver is not granted.
- 3. Where feasible, the number of bedrooms of the inclusionary units should be equivalent to the bedroom mix of the market rate units of the housing development; except that the developer may include a higher proportion of inclusionary units with more bedrooms.
 - 4. The design and appearance of the inclusionary units shall be compatible with the design of the total housing development.
 - 5. The applicant may reduce the size or interior amenities of the inclusionary units as long as there are not significant differences between inclusionary and market rate units visible from the exterior of the dwelling units and the size and design of the dwelling units are reasonable consistent with the market rate units in the project, provided that all dwelling units conform to the requirements of the applicable Building and Housing Codes.
 - 6. Inclusionary units shall comply with all applicable development standards, except those which may be modified as provided by this Chapter.
- C. Continued Affordability. Inclusionary units shall remain restricted and affordable to the targeted household(s) for a period of at least 10 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
 - D. Determination of Affordable Rents and Sales Prices. In determining the maximum affordable rent or affordable sales price of inclusionary units, the following household and unit size assumptions shall be used, unless the project is subject to different assumptions imposed by other governmental regulations:

SRO (residential hotel) unit	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 person
2 bedroom	3 person
3 bedroom	4 person
4 bedroom	6 person

- E. **Housing Agreement.** A housing agreement consistent with this Chapter shall be made a condition of the discretionary planning permits (e.g., tract maps, parcel maps, site plans, planned development or conditional use permits) for a project that provides inclusionary units.

19.28.050 Inclusionary Alternatives.

- A. It is the intent of these provisions that the inclusionary units be provided within each project in order to disperse such units throughout the community.
- B. Provided, however, that the following alternatives to providing inclusionary units on-site may be approved by the decision-making body if it finds that evidence presented by the applicant shows that on-site inclusionary units are infeasible due to project size, location or site characteristics, or that the alternative would further housing opportunities for lower-income households to an equal or greater extent:
1. The provision of some or all of the required inclusionary units at an off-site location.
 2. The payment of an in-lieu contribution to the City equal to \$3000 per unit in an ownership project. (The in-lieu contribution alternative is not available to rental projects.)
 - a. For any fraction of a unit required, the in-lieu contribution shall equal the fraction of the unit times \$3000.
 - b. The in-lieu contribution shall be paid to the City at the close of escrow for each unit.
 - c. Such contribution shall be deposited in the City Housing Fund and used to provide housing affordable to lower-income households.
 3. The dedication of suitable land to the City, or entity acceptable to the City, for the construction of the inclusionary units. The acceptability of such dedication shall be based on the suitability of the site in terms of location, size, zoning, timing of construction and other applicable factors.

19.28.060 City Assistance. The City may assist projects that include inclusionary units in order to make such units economically feasible. Possible assistance includes the following:

- A. Direct financial aid (e.g., redevelopment set-aside, Housing Fund money, Community Development Block Grant funding) in the form of a loan or a grant to subsidize or provide low-interest financing for on- or off-site improvements, land or construction costs.

- B. A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code for the inclusionary units. These may include, but are not limited to one or more of the following:
1. Reduced minimum lot sizes and/or dimensions.
 2. Reduced minimum lot setbacks.
 3. Reduced minimum outdoor and/or private outdoor living area.
 4. Increased maximum lot coverage.
 5. Increased maximum building height and/or stories.
 6. Reduced on-site parking standards, including the number or size of spaces and garage requirements.
 7. Reduced minimum building separation requirements.
 8. Reduced street standards, e.g., reduced minimum street widths.
- C. Waived, reduced, or deferred planning, plan check, building permit, and/or development impact fees (e.g., capital facilities, park, or traffic fees).

19.28.070 Application Procedures. In addition to the application contents required for any associated permits or approvals, an applicant proposing to include inclusionary units in a project shall provide the following information:

- A. The number of proposed inclusionary units and an indication of the target households.
- B. Proposed sales prices or rents for the inclusionary units.
- C. The location, unit size (square feet), and number of bedrooms of inclusionary units.
- D. A description of any proposed differences between the inclusionary units and other project units in terms of construction, appearance, or amenities.
- E. A schedule for completion and occupancy of inclusionary units.
- F. A description of any requested assistance from the City.
- G. An offer to reserve inclusionary units for target households for at least 10 years.

19.28.080 Housing Agreement.

- A. Where required by this Chapter, applicants/developers shall draft and agree to enter into a housing agreement with the City. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director, who shall formulate a recommendation to the decision-making body for final approval.
- B. The housing agreement shall include at least the following:
 - 1. The number of inclusionary units and their target households.
 - 2. The standards for determining the affordable rent or affordable sales price and housing cost for the inclusionary units.
 - 3. The location, unit size (square feet), and number of bedrooms of the inclusionary units.
 - 4. The tenure of use restrictions for the inclusionary units.
 - 5. A schedule for completion and occupancy of the inclusionary units.
 - 6. A description of any assistance being provided by the City.
 - 7. A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third party beneficiaries under the agreement).
 - 8. Other provisions to ensure implementation and compliance with this Chapter.
- C. In the case of for-sale inclusionary units, the housing agreement shall include the following conditions governing the sale and use of inclusionary units during the applicable use restriction period:
 - 1. The inclusionary units shall be sold to and owner-occupied by eligible lower-income households at an affordable sales price and housing cost.
 - 2. The initial and subsequent purchasers of an inclusionary unit shall execute an instrument or agreement approved by the City restricting the sale of the inclusionary unit in accordance with this Chapter during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the inclusionary unit and shall contain such provisions as the City may require to ensure continued compliance with this Chapter.
 - 3. The City shall establish maximum resale prices for inclusionary units during the applicable use restriction period, taking into consideration such factors as

cost-of-living increases, any improvements made to the unit, and customary closing costs.

4. The owner of an inclusionary unit who wishes to sell the unit shall provide the first right of refusal to purchase the unit to the City and send written notice to the City of their intent to sell not less than 60 calendar days prior to the intended date of sale of the unit. Upon receipt of the owner's notice, the City shall have 60 calendar days to purchase the unit or to assign its right of refusal.
5. The owner shall share with the City any amount received by the owner as a result of the first sale following expiration of the applicable use restriction period that is above the maximum resale price. The City shall deposit its share of any such proceeds in its Housing Fund.

D. In the case of rental inclusionary units, the housing agreement shall provide for the following conditions governing the use of inclusionary units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining inclusionary units for qualified tenants;
2. Provisions requiring owners of the rental project to verify tenant incomes on an annual basis and maintain books and records to demonstrate compliance with this Chapter.
3. Provisions requiring owners of the rental project to submit an annual report to the City which includes the name, address, and income of each person occupying the inclusionary units, and which identifies the bedroom size and monthly rent or cost of each inclusionary unit.

E. Following execution of the agreement by all parties, the completed housing agreement, or memorandum thereof, shall be recorded and the conditions therefore filed and recorded on the parcel or parcels designated for the construction of inclusionary units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The housing agreement shall be binding to all future owners and successors in interest.

Chapter 19.28

Inclusionary Housing Requirements

Sections:

19.28.010	Purpose
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19.28.050	Inclusionary Alternatives
19.28.060	City Assistance
19.28.070	Application Procedures
19.28.080	Housing Agreement

19.28.010 Purpose. The purpose of this Chapter is to implement the inclusionary housing program set forth in the Housing Element of the American Canyon General Plan.

19.28.020 Definitions. Unless the context clearly requires otherwise, the definitions in this Chapter shall have the following meanings:

- A. Above Moderate-Income Households are those households with income of more than 120% of Median Income.
- B. Inclusionary Units are those that are required to be provided at affordable rents or sales prices to specified households.

19.28.030 Applicability.

- A. The provisions of this Chapter shall apply to residential projects containing ten or more dwelling units whose initial sales prices or rents will be affordable (as defined in, Definitions) only to above moderate-income households.
- B. Provided, however, that these provisions shall not apply to any subdivision for which the final or parcel map was recorded, or any residential project subject to discretionary approval by the City for which a building permit has been issued by the City prior to the effective date of this Chapter, unless approval or conditional approval of the subdivision or project was expressly conditioned upon participation in an inclusionary program such as that established by this Chapter, or such participation was expressly required as an environmental mitigation measure for the subdivision.

19.28.040 Inclusionary Requirements.**A. Required Number and Type of Inclusionary Units.**

1. Ownership projects subject to the provisions of this Chapter shall provide a number of inclusionary units equal to at least 10 percent of applicable project units (per this Chapter) at prices or rents affordable to lower-income households, unless one of the alternative actions set forth in this Chapter is approved. Such inclusionary units may be either ownership units or rental units.
2. Rental projects subject to the provisions of this Chapter shall provide a number of inclusionary units equal to at least five percent of applicable project units (per this Chapter) at prices or rents affordable to lower-income households and five percent affordable to very low-income households, unless one of the alternative actions set forth in this Chapter is approved. The inclusionary units shall be rental units.
3. In determining the number of inclusionary units to be provided, any decimal fraction of 0.3 or more shall be rounded up to the nearest whole number, and any decimal fraction of less than 0.3 shall be rounded down to the nearest whole number.
4. Where an odd number of inclusionary units are required of a rental housing project, a larger number of units affordable to very low-income households shall be provided (e.g., if the inclusionary requirement equals three units, two shall be affordable to very low-income households and one shall be affordable to a lower-income household.) If only one inclusionary unit is required, such unit must be affordable to a very low-income household.

B. Development Standards for Target Units.

1. Inclusionary units should be constructed concurrently with market rate units unless both the City and the developer/applicant agree within the housing agreement to an alternative schedule for development.
2. Inclusionary units shall be evenly distributed throughout the project, except that the decision-making body may waive this requirement if it finds that such distribution is infeasible for one or more of the following reasons:
 - a. Significant topographic or other constraints exist rendering such distribution infeasible.
 - b. Substantially improved site design will result from such waiver.

- c. Substantially improved building design and an improved unit amenity level will result from such waiver.
 - d. Significant economic hardships will result from such distribution that does not apply to other projects in the City.
 - e. Significant economic hardships will result from such distribution for the developer of the inclusionary units receiving financial assistance from federal, state, or local governmental agencies if such waiver is not granted.
3. Where feasible, the number of bedrooms of the inclusionary units should be equivalent to the bedroom mix of the market rate units of the housing development; except that the developer may include a higher proportion of inclusionary units with more bedrooms.
 4. The design and appearance of the inclusionary units shall be compatible with the design of the total housing development.
 5. The applicant may reduce the size or interior amenities of the inclusionary units as long as there are not significant differences between inclusionary and market rate units visible from the exterior of the dwelling units and the size and design of the dwelling units are reasonable consistent with the market rate units in the project, provided that all dwelling units conform to the requirements of the applicable Building and Housing Codes.
 6. Inclusionary units shall comply with all applicable development standards, except those which may be modified as provided by this Chapter.
- C. Continued Affordability. Inclusionary units shall remain restricted and affordable to the targeted household(s) for a period of at least 10 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
- D. Determination of Affordable Rents and Sales Prices. In determining the maximum affordable rent or affordable sales price of inclusionary units, the following household and unit size assumptions shall be used, unless the project is subject to different assumptions imposed by other governmental regulations:

SRO (residential hotel) unit	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 person
2 bedroom	3 person
3 bedroom	4 person
4 bedroom	6 person

- E. **Housing Agreement.** A housing agreement consistent with this Chapter shall be made a condition of the discretionary planning permits (e.g., tract maps, parcel maps, site plans, planned development or conditional use permits) for a project that provides inclusionary units.

19.28.050 Inclusionary Alternatives.

- A. It is the intent of these provisions that the inclusionary units be provided within each project in order to disperse such units throughout the community.
- B. Provided, however, that the following alternatives to providing inclusionary units on-site may be approved by the decision-making body if it finds that evidence presented by the applicant shows that on-site inclusionary units are infeasible due to project size, location or site characteristics, or that the alternative would further housing opportunities for lower-income households to an equal or greater extent:
1. The provision of some or all of the required inclusionary units at an off-site location.
 2. The payment of an in-lieu contribution to the City equal to \$3000 per unit in an ownership project. (The in-lieu contribution alternative is not available to rental projects.)
 - a. For any fraction of a unit required, the in-lieu contribution shall equal the fraction of the unit times \$3000.
 - b. The in-lieu contribution shall be paid to the City at the close of escrow for each unit.
 - c. Such contribution shall be deposited in the City Housing Fund and used to provide housing affordable to lower-income households.
 3. The dedication of suitable land to the City, or entity acceptable to the City, for the construction of the inclusionary units. The acceptability of such dedication shall be based on the suitability of the site in terms of location, size, zoning, timing of construction and other applicable factors.

19.28.060 City Assistance. The City may assist projects that include inclusionary units in order to make such units economically feasible. Possible assistance includes the following:

- A. Direct financial aid (e.g., redevelopment set-aside, Housing Fund money, Community Development Block Grant funding) in the form of a loan or a grant to subsidize or provide low-interest financing for on- or off-site improvements, land or construction costs.

- B. A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code for the inclusionary units. These may include, but are not limited to one or more of the following:
1. Reduced minimum lot sizes and/or dimensions.
 2. Reduced minimum lot setbacks.
 3. Reduced minimum outdoor and/or private outdoor living area.
 4. Increased maximum lot coverage.
 5. Increased maximum building height and/or stories.
 6. Reduced on-site parking standards, including the number or size of spaces and garage requirements.
 7. Reduced minimum building separation requirements.
 8. Reduced street standards, e.g., reduced minimum street widths.
- C. Waived, reduced, or deferred planning, plan check, building permit, and/or development impact fees (e.g., capital facilities, park, or traffic fees).

19.28.070 Application Procedures. In addition to the application contents required for any associated permits or approvals, an applicant proposing to include inclusionary units in a project shall provide the following information:

- A. The number of proposed inclusionary units and an indication of the target households.
- B. Proposed sales prices or rents for the inclusionary units.
- C. The location, unit size (square feet), and number of bedrooms of inclusionary units.
- D. A description of any proposed differences between the inclusionary units and other project units in terms of construction, appearance, or amenities.
- E. A schedule for completion and occupancy of inclusionary units.
- F. A description of any requested assistance from the City.
- G. An offer to reserve inclusionary units for target households for at least 10 years.

19.28.080 Housing Agreement.

- A. Where required by this Chapter, applicants/developers shall draft and agree to enter into a housing agreement with the City. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director, who shall formulate a recommendation to the decision-making body for final approval.
- B. The housing agreement shall include at least the following:
 - 1. The number of inclusionary units and their target households.
 - 2. The standards for determining the affordable rent or affordable sales price and housing cost for the inclusionary units.
 - 3. The location, unit size (square feet), and number of bedrooms of the inclusionary units.
 - 4. The tenure of use restrictions for the inclusionary units.
 - 5. A schedule for completion and occupancy of the inclusionary units.
 - 6. A description of any assistance being provided by the City.
 - 7. A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third party beneficiaries under the agreement).
 - 8. Other provisions to ensure implementation and compliance with this Chapter.
- C. In the case of for-sale inclusionary units, the housing agreement shall include the following conditions governing the sale and use of inclusionary units during the applicable use restriction period:
 - 1. The inclusionary units shall be sold to and owner-occupied by eligible lower-income households at an affordable sales price and housing cost.
 - 2. The initial and subsequent purchasers of an inclusionary unit shall execute an instrument or agreement approved by the City restricting the sale of the inclusionary unit in accordance with this Chapter during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the inclusionary unit and shall contain such provisions as the City may require to ensure continued compliance with this Chapter.
 - 3. The City shall establish maximum resale prices for inclusionary units during the applicable use restriction period, taking into consideration such factors as

cost-of-living increases, any improvements made to the unit, and customary closing costs.

4. The owner of an inclusionary unit who wishes to sell the unit shall provide the first right of refusal to purchase the unit to the City and send written notice to the City of their intent to sell not less than 60 calendar days prior to the intended date of sale of the unit. Upon receipt of the owner's notice, the City shall have 60 calendar days to purchase the unit or to assign its right of refusal.
 5. The owner shall share with the City any amount received by the owner as a result of the first sale following expiration of the applicable use restriction period that is above the maximum resale price. The City shall deposit its share of any such proceeds in its Housing Fund.
- D. In the case of rental inclusionary units, the housing agreement shall provide for the following conditions governing the use of inclusionary units during the use restriction period:
1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining inclusionary units for qualified tenants;
 2. Provisions requiring owners of the rental project to verify tenant incomes on an annual basis and maintain books and records to demonstrate compliance with this Chapter.
 3. Provisions requiring owners of the rental project to submit an annual report to the City which includes the name, address, and income of each person occupying the inclusionary units, and which identifies the bedroom size and monthly rent or cost of each inclusionary unit.
- E. Following execution of the agreement by all parties, the completed housing agreement, or memorandum thereof, shall be recorded and the conditions therefore filed and recorded on the parcel or parcels designated for the construction of inclusionary units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The housing agreement shall be binding to all future owners and successors in interest.

Chapter 19.29

Home Occupations

Sections:

19.29.010	Purpose
19.29.020	Definition
19.29.030	Home Occupation Standards
19.29.040	Home Occupation Permits
19.29.050	Business License Required

19.29.010 Purpose.

- A. The purpose of this Chapter is to establish standards for home occupations in order to achieve compatibility with other permitted uses, and with the residential character of the neighborhood in which they are located.
- B. In recognition of the unique rural nature of neighborhoods in the Rural Residential District, including larger lot sizes and greater separation between dwellings, modifications to some of these standards may be allowed, as noted in this Chapter.

19.29.020 Definition. A home occupation is an accessory use of a dwelling for employment and/or business purposes that is incidental to and subordinate to the use of the dwelling unit as a residence, and that is so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence.

19.29.030 Home Occupation Standards.

- A. A home occupation shall comply with the following minimum standards:
 - 1. No person other than those persons who are residents of the premises shall be engaged in such occupations.
 - 2. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - 3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
 - 4. A home occupation may be conducted only within an enclosed building, whether the building constitutes part of the main building or in an accessory building.

5. There shall be no sales in connection with such home occupation other than sales of merchandise produced on the premises or directly related to the services offered.
6. No pedestrian or vehicular traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
7. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference upon any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises. A home occupation shall not cause any adverse impacts such as offensive odors or excessive noise, lightning, or traffic that are incompatible with the residential area, or in violation with the provisions of any applicable laws or regulations.
8. No vehicle over one ton carrying capacity may be used in conduct of a home occupation.
9. Every home occupation shall fully comply with all City, County, State and Federal Codes, ordinances, rules and regulations.

B. The above standards may be modified as follows for home occupations in the Rural Residential District:

1. Up to 25% of the rear yard may be used for outside storage of operable vehicles, equipment and materials associated with the home occupation.
2. Vehicles and other wheeled equipment shall be stored on an all-weather surface such as asphalt, cement crushed rock or on grass surfaces in rear yards.
3. All vehicles, equipment and materials stored in the rear yard shall not be visible off-site. Where necessary, an opaque screen or enclosure (such as a wall, fence or evergreen landscaping) shall be provided to achieve compliance with the standard.
4. Storage of vehicles in excess of one ton may be considered subject to review and approval by the Planning Director.

C. The Director may impose additional standards and restrictions on home occupations reasonably related to the protection of the health, safety and general welfare of persons or property in the neighborhood of the home occupation or the City of

American Canyon.

19.29.040 Home Occupation Permits

- A. Applicability. No person shall commence or carry on any home occupation within the City without first having obtained a home occupation permit.
- B. Application:
 - 1. An application for a home occupation permit shall be filed in writing with the Planning Department by the person who intends commencing or carrying on a home occupation. Where the applicant is not the owner of the property on which the home occupation is proposed to be conducted, the application shall be accompanied by the written consent of the owner or his agent.
 - 2. The application shall be upon forms furnished by and in a manner prescribed by the Planning Director and shall be accompanied by any applicable filing fee established by resolution of the City Council ‘
- C. Review and Approval:
 - 1. Within ten working days after the filing of an application for a home occupation permit, the Planning Director shall review the application and approve, conditionally-approve or deny the permit. The Director may approve or conditionally approve an application for a home occupation permit if he/she finds it consistent with the purpose and standards of this Chapter.
 - 2. The Director shall serve a notice of such action upon the applicant by mailing a copy of such notice to the applicant at the address appearing on the application.
 - 3. Any person aggrieved by the action of the Director upon an application for a home occupation permit may appeal such an action by filing a written notice of appeal with the Director within the ten days after the date of the mailing of such action. The Director shall refer all appeals to the Planning Commission. The Commission shall set the matter for hearing at the earliest available date. The applicant shall be given notice of the time and date set for such consideration.
 - 4. An appeal of a Commission decision may be made by filing a notice of appeal with the City Clerk. The notice shall comply with the requirements of Section 2.04.11 of the Municipal Code except that the notice of appeal shall be filed within ten days after the decision of the Commission and appeal shall be subject to the procedures set forth in Chapter 2.04 of the Municipal Code.

D. Suspension and Revocation:

1. Any home occupation permit may be suspended or revoked when it is determined that the home occupation authorized by the permit as been or is being conducted:
 - a. In violation of any City, County and/or State Code, ordinance, rule or regulation.
 - b. In a disorderly manner.
 - c. To the detrimental of the general public, or
 - d. In a different form than which the permit was issued.
2. Any home occupation permit that has been issued shall not be revoked or suspended unless a hearing shall first have been held by the Planning Director. Written notice of the time and place of such hearing shall be served upon the permittee at least ten days prior to the date set forth for such hearing. The notice shall contain a brief statement of the grounds for revoking or suspending the permit. The notice shall be served by mailing, by registered mail, a copy of such notice to the permittee at the address appearing on the permit.
3. Any person aggrieved by the action of the Director upon an application for a home occupation permit may appeal an action by filing a written notice of appeal to the Director within ten days after the date of mailing of the Director's action on the suspension or revocation of the permit. Appeals shall be processed as set forth in Subsection C above.

- E. Transferability. No home occupation permit shall be transferred or assigned, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home occupation for which the permit was issued.
- F. Existing County Home Occupation Permits. Those Home occupations already operating under a home occupation permit previously issued by the County of Napa shall not be required to obtain a new home occupation permit from the City. Such a previously-issued home occupation permit shall remain in full force and effect until such time as it is suspended or revoked under the provisions of Subsection D above or expires under provisions of this Chapter.

19.29.050 Business License Required. Every home occupation permittee shall obtain a business license. If the business license is not renewed annually, the home occupation permit shall automatically expire.

Chapter 19.30

Temporary Mobile Structures

Sections:

19.30.010	Purpose
19.30.020	Approval Process
19.30.030	Length of Use
19.30.040	Conditions of Approval

19.30.010 Purpose. The purpose of this Chapter is to conditionally permit the temporary use of mobile homes, mobile offices, mobile classrooms and recreational vehicles in connection with new subdivisions, construction sites and existing uses of land.

19.30.020 Approval Process. Temporary mobile structures may be approved by the Planning Commission by Conditional Use Permit. Applications for such permits shall be reviewed and approved in accordance with Chapter 19.40, *Review and Approval Procedures*.

19.30.030 Length of Use.

- A. Approval for a temporary mobile structure shall become void one year following the date on which the zone clearance permit for the structure is issued, except that a two-year expiration may be approved for temporary structures used for subdivision sales offices.
- B. Longer periods of use of temporary mobile structures than permitted by Subsection A., above, may be allowed through a conditional use permit approved by the Planning Commission in accordance with Chapter 19.42.

19.30.040 Conditions of Approval. The Planning Commission may include such terms and conditions deemed appropriate or necessary, including, but not limited to the following:

- A. The requirement of a cash deposit or other security provided by the applicant to assure the timely removal of the temporary mobile structure or its conversion to a permitted or approved use.
- B. The provision of adequate sanitary facilities for the temporary mobile structure.

Chapter 19.31

Animal Keeping Regulations

Sections:

19.31.010 Purpose

19.31.020 Animal Keeping Standards

19.31.010 Purpose. The purpose of these standards is to ensure that animals permitted in Chapter 19.05, *Use Classifications*, are maintained in a manner compatible with residential uses.

19.31.020 Animal Keeping Standards. The following standards shall apply to the keeping of animals in residential and mixed-use areas in order to ensure that animals are maintained in a manner compatible with residential uses.

A. Maintenance.

1. All buildings housing animals, all animal enclosures and all pasture areas shall be maintained free from litter, garbage and the accumulation of manure.
2. The premises shall be maintained in a neat and sanitary manner.
3. Reasonable measures shall be taken by the owners of animals subject to these provisions to ensure that noise, odors, flies, vermin and other nuisances related to animal keeping do not negatively impact adjacent properties.
4. If animals are not maintained in compliance with these standards, or are otherwise allowed to become a nuisance, the City shall initiate enforcement proceedings as provided by Chapter 19.02, *Enforcement and Penalties*.

B. Permitted Animals.

1. **Pets.** Domestic creatures commonly sold in pet stores and kept as household pets may be kept upon any lot in any zone where the principal use upon such lot is residential, so long as animals do not constitute a nuisance and are adequately provided with food, care and sanitary facilities.
2. **Livestock.** Large animals, including equines, bovines, sheep, and goats, but excluding swine, may be kept for personal purposes where "Livestock Keeping" is permitted as an accessory use in each underlying Zoning District.

3. No wild or exotic animal shall be kept within the City. Such animals include but are not limited to wild cats.
 4. Any animal not specifically classified within this Chapter shall be classified by the Planning Director as necessary, based upon a determination as to any probable negative impacts associated with the animal upon the health, safety and general welfare of the community.
- C. Minimum Lot Size. A minimum lot area of 20,000 square feet is required for Livestock Keeping, as defined by Chapter 19.05, *Use Classifications*, at least 75% of which is accessible to and usable by the large animal(s).
- D. Setbacks. All buildings and areas used to house or confine non-domestic animals, including barns, stables, lofts, coops, corrals, pens, feed areas, paddocks, uncovered stables and similar enclosures and accessory structures shall be located behind the residence on the lot and shall maintain side and rear setbacks in accordance with the underlying Zoning District. Additionally, such areas or structures shall maintain a distance of 50 feet from any off-site structure used for human occupancy or habitation. Structures related to the keeping of horses shall be located no closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.
- E. Disclosure. Where development or subdivision of property is proposed to occur adjacent to an area where "Livestock Keeping" is permitted as an accessory use in the underlying Zoning District, the deeds of properties included in such development or subdivision shall contain notification of possible livestock keeping on adjacent property.
- F. Pre-Existing Animal Keeping. Any property upon which animal keeping existed and was ongoing at the time of adoption of the animal keeping regulations and which did not comply with the minimum lot size or setback standards is considered legal non-conforming and may continue to exist providing that there can be no increase in the number of animals or the amount of non-conformance with setback and lot size requirements.

CHAPTER 19.32

MOBILE HOME PARK CONVERSION ORDINANCE

19.32.010	Purpose and Intent
19.32.020	Definitions
19.32.030	Vacancy Rate In Excess of 20% - Notice Required
19.32.040	Use Permit Required
19.32.050	Conversion Impact Report Required
19.32.060	Relocation Plan Required
19.32.070	Required Findings for Conversion
19.32.080	Conditions of Approval
19.32.090	Effective Date of Conversion
19.32.100	Issuance of Grading and/or Building Permits
19.32.110	Violations

18.30.010 Purpose and Intent. The stated purpose and intent of the Mobile Home Park Conversion Ordinance is to ensure that any proposed conversion of an existing mobile home park to any other use is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of a proposed conversion and that relocation and other assistance is provided park residents, consistent with the provisions of this Ordinance and Sections 65863.7 and 66427.4 of the California Government Code.

19.30.020 Definitions. For purposes of this Chapter, the following terms shall have the meanings indicated:

- A. "Commercial coach" shall mean a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial uses and shall include a trailer coach as defined in Section 635 of the Vehicle Code,
- B. "Comparable housing" shall mean housing that is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the State Uniform Housing Code.
- C. "Comparable mobile home park" means any other mobile home park substantially equivalent in terms of park conditions, amenities and other relevant factors.

- D. "Conversion" means changing the use of a mobile home park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes used for human habitation. Such a conversion may affect an entire mobile home park or any portion thereof. A conversion shall include, but is not limited to, a change of any existing mobile home park or any portion thereof to condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobile home park are to be sold, and the cessation of use of all or a portion of the park as a mobile home park, whether immediately or on a gradual basis, or the closure of the park. "Conversion" shall not include the purchase of the park by its existing residents,
- E. "Date of application for change of use" means the date of filing of an application for a Rezoning, General Plan Amendment, Use Permit, Subdivision, Planned Unit Development Plan, Design Permit, or any other discretionary land use application approval under Title 18, the Subdivision Code, and/or Title 19, the Zoning Code, of the City of American Canyon Municipal Code, which application seeks approval of a change of use of or at a mobile home park.
- F. "Eligible mobile home owner" means a mobile home owner whose mobile home was located in a mobile home park on the date of application for a change of use.
- G. "Home owner" means the registered owner or owners of a mobile home, who has a tenancy in a mobile home park under a rental or lease agreement.
- H. "Mobile home" is a structure designed for human habitation and for being transportable on a street or highway under permit pursuant to California Vehicle Code Section 35790, and as defined in Section 18008 of the Health & Safety Code. "Mobile home" does not include a recreational vehicle as defined in Civil Code Section 709.24, or a commercial coach, as defined herein and in Section 18001.8 of the Health & Safety Code,
- I. "Mobile home park" is an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for habitation. For purposes of this Chapter, "mobile home park" shall not include a mobile home subdivision, stock cooperative, or any park where there is any combination of common ownership of the entire park or individual mobile home sites.
- J. "Mobile home space" is any area, tract of land, site, lot, pad, or portion of a mobile home park designated or used for the occupancy of one mobile home.

- K. "Mobile home tenant" is a person who occupies a mobile home within a mobile home park pursuant to a bona fide lease or rental agreement with the mobile home owner and who, during his or her tenancy, was not the owner or member of the immediate household of the mobile home owner.
- L. "Resident" means a person lawfully residing in a mobile home park, and includes a mobile home owner, mobile home tenant or member of the immediate household of the mobile home owner or mobile home tenant.

19.32.030 Vacancy Rate in Excess of 20% - Notice Required. The following shall apply when any mobile home park in the City has a vacancy rate of 20% or greater of the total number of spaces in existence in the mobile home park.

- A. Whenever twenty (20%) percent or more of the total number of mobile home sites or mobile homes at a mobile home park are vacant or otherwise uninhabited and such situation was not caused by physical disaster, including but not limited to fire, flood, storm, earthquake, landslide, or by another natural condition beyond the control of the owner or operator of the mobile home park, the owner or operator of the park shall file with the Planning Director a written notice informing the City of the current vacancy rate at the park. For purposes of this Chapter, a mobile home site is "uninhabited" or "vacant" when it is either:
 - 1. unoccupied by a mobile home, or
 - 2. occupied by a mobile home in which no persons reside.
 - 3. A mobile home shall not be considered vacant for purposes of this Chapter if rent is being paid pursuant to a bona fide rental or lease agreement and the mobile home is merely unoccupied.
- B. The written notice to the Planning Director from the owner or operator of the mobile home park shall clearly state any known reasons for the vacancy rate to be in excess of 20% and whether or not the property owner intends in the immediate future to convert the mobile home park to another use.
- C. If it is determined that the owner of the mobile home park intends to apply for a conversion of the mobile home park to another use, the Planning Director shall immediately inform the property owner of the requirements of this Chapter.

19.32.040 Use Permit Required. In addition to any other necessary discretionary land use permit applications such as a subdivision or a Design Permit,

the conversion of any existing mobile home park to any other use shall require the review of a Use Permit application by the Planning Commission, which shall forward a recommendation on the discretionary permits and Use Permit to the City Council for final action. At a minimum, each application for a Use Permit to convert a mobile home park to any other use shall include the following and any additional information as may be required by this Chapter and the Planning Director:

- A. A detailed narrative description of the proposed use to which the mobile home park is to be converted.
- B. The proposed timetable for implementation of the conversion and development of the site.
- C. Evidence that any tenant's rent had not been increased within the two months prior to the filing of an application for conversion of a mobile home park, and a statement from the applicant that the rent at the mobile home park shall not be increased for two years from the date of filing of the conversion application or until the date of the commencement of relocation activities.
- D. A report on the impact of the conversion of the mobile home park on its residents and a disposition/relocation plan addressing the availability of replacement housing for existing tenants of the mobile home park consistent with Section 65863.7 of the California Government Code.
- E. Upon filing an application for a Use Permit for conversion, the Planning Director shall inform the applicant of the requirements of Civil Code Section 798.56 and Government Code 65863.8 regarding notification of the mobile home park residents concerning the proposed conversion. The Planning Director shall specify in writing to the applicant the information that must be submitted in order to adequately notify all existing tenants as required by the California Government Code, the California Civil Code, and this Chapter.
- F. No Use Permit application for the conversion of a mobile home park to another use shall be deemed complete and processing for consideration will not commence until the Conversion Impact Report and Relocation Plan as required by this Chapter have been reviewed by the Planning Director for substantial conformance with the requirements of this Chapter.

19.32.050 Conversion Impact Report Required. Any person filing an application for a Use Permit to convert a mobile home park to another use shall file a Conversion Impact Report on the impact of the change of use upon the residents of the mobile home park. At a minimum the Conversion Impact Report shall include the following, as well as any other Information deemed necessary and appropriate by the Planning Director:

- A. A detailed description of the mobile home spaces within the mobile home park, including but not limited to:
1. The total number of mobile home spaces in the park and the number of spaces occupied;
 2. The length of time each space has been occupied by the present resident(s) thereof;
 3. The age, size, and type of mobile home occupying each space;
 4. The monthly rent currently charged for each space, including any utilities or other costs paid by the present resident(s) thereof;
 5. Name and mailing address of the primary resident(s) of each mobile home within the mobile home park on three sets of gummed labels for the mailing of notice of public hearings.
- B. A list of all comparable mobile home parks within the City of American Canyon and Napa County. This list shall include the age of the mobile home park and the mobile homes therein, a schedule of rents for each park listed and the criteria of the management of each park for acceptance of new tenants and used mobile homes. Information pertaining to the availability of medical and dental services, shopping facilities, and all nearby social and religious services and facilities shall also be included.
- C. A detailed analysis of the economic impact of the relocation, on the tenants including comparisons of current rents paid and rents to be paid at comparable mobile home parks within the City of American Canyon or Napa County, the estimated costs of moving a mobile home and personal property, and any direct or indirect costs associated with a relocation to another mobile home park.
- D. A list of the names, addresses and telephone numbers of one or more housing specialists, with an explanation of the services the specialists will perform at the applicant's expense for the residents to be displaced. These services shall include but not be limited to assistance in locating a suitable replacement mobile home park, coordination of moving the mobile home and personal property, and any other tasks necessary to facilitate the relocation to another comparable mobile home park.

19.32.060 Relocation Plan Required. A Relocation Plan for tenants of a mobile home park shall be submitted to the Planning Commission and City Council for

approval as a part of the application for a Use Permit to convert a mobile home park to another use. The Relocation Plan shall provide, at a minimum, for the following:

- A. The names, addresses, telephone numbers, and fee schedules of persons in the area who are qualified MAI appraisers of mobile homes.
- B. The names, addresses, telephone numbers, and fee schedules of persons in the area qualified as mobile home movers.
- C. The Relocation Plan shall provide specifically for relocation assistance to full-time, very-low, low, and moderate-income residents and senior citizens over the age of 52 residing in the park for a minimum period of 12 months following closure of the mobile home park.
- D. The Relocation Plan shall specifically provide guarantees that all tenants 62 years of age or older and all tenants who are medically proven to be permanently disabled shall not have to pay an increase in rent over the amount currently paid for a period of two years following relocation.
- E. The Relocation Plan shall provide for the applicant to pay all reasonable moving expenses to a comparable mobile home park within the City of American Canyon or Napa County to any tenant who relocates from the park after City approval of the Use Permit authorizing conversion of the park. The reasonable cost of relocation and moving expenses shall include the cost of relocating a displaced homeowners mobile home, accessories, and possessions, including the costs for disassembly, removal, transportation, and reinstallation of the mobile home and accessories at the new site, and replacement or reconstruction of the blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, or earthquake bracing if necessitated by the relocation; indemnification for any damage to personal property of the resident caused by the relocation, reasonable living expenses of displaced park residents from the date of actual displacement to the date of occupancy at the new site; payment of any security deposit required at the new site; and the difference between the rent paid in the existing park and any higher rent at the new site for the first twelve (12) months of the relocated tenancy. When any tenant has given notice of his intent to move prior to City approval of the Use Permit, eligibility to receive moving expenses shall be forfeited.
- F. If the City Council determines that a particular mobile home cannot be relocated to a comparable mobile home park within the City of American Canyon or Napa County, and the mobile home owner has elected to sell his or

her mobile home, the relocation plan shall identify those mobile homes, the reasons why the mobile homes cannot be relocated as provided for in Subsection E of Section 19.32.060, then the City Council may, as a part of the reasonable cost of relocation as provided for in Government Code Section 65863.7(e) require the applicant to provide for purchasing the mobile home of a displaced home owner at its in-place market value. Such value shall be determined after consideration of relevant factors, including the value of the mobile home in its current location including the blocks and any skirting, siding, porches, decks, storage sheds, cabanas, and awnings, and assuming the continuation of the mobile home park in a safe, sanitary, and well maintained condition, and not considering the affect of the change of use on the value of the mobile home. If a dispute arises as to the in-place value of a mobile home, the applicant and the homeowner shall have appraisals prepared by separate qualified MAI appraisers with experience in establishing the value of mobile homes. The City Council shall determine the in-place value based upon the average of the appraisals submitted by the applicant and mobile home owner.

18.32.070 Required Findings for Conversion. In approving a Use Permit for a mobile home park conversion, the City Council shall find that the proposed conversion meets the following requirements in addition to the other requirements of this Chapter:

- A. That the proposed use of the property is consistent with the General Plan and any and all of its Elements, any applicable Specific Plan or Planned Unit Development Plan or similar mechanism provided for in State law or City Ordinances and this Chapter.
- B. That the residents of the mobile home park have been adequately notified of the proposed conversion, including information pertaining to the anticipated timing of the proposed conversion.
- C. That there exists land zoned for new or replacement comparable mobile home parks or adequate space is available in other comparable mobile home parks within the City of American Canyon or Napa County for the residents who will be displaced.
- D. That the conversion will not result in the displacement of very low, low, or moderate income mobile home residents or senior citizens over the age of 62 who cannot afford rents charged in other mobile home parks within the City of American Canyon or Napa County unless otherwise approved by the City Council.

- E. That the age type, size, and style of mobile homes to be displaced as a result of the conversion will be able to be relocated into other comparable mobile home parks within the City of American Canyon or Napa County, or that the applicant has agreed to purchase any mobile home that cannot be relocated at its in-place value as provided for in this Chapter.
- F. That any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocation.
- G. That the Relocation Plan mitigates the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impacts of any long-term displacement.

19.32.080 Conditions of Approval. The City Council shall impose any necessary and appropriate conditions of approval to satisfy and implement the intent, purpose, and content of this Chapter. In addition, any other necessary and appropriate conditions of approval to protect the health and safety of the residents of the City of American Canyon may be imposed.

19.32.090 Effective Date of Conversion. The City Council shall establish the date on which the Use Permit for conversion will become effective. Such date shall not be less than two years from the decision of the City Council, provided that conversion at an earlier date may be approved if the City Council receives a written petition requesting an earlier date signed by a majority of those persons residing in the subject mobile home park at the time of the City Council public hearing to consider the conversion application. The effective date of the approval in such a case shall be the date set forth in the petition. Conversion at the earlier date may be approved only if the City Council makes specific Findings that the applicant has complied with all the provisions of an approved Relocation Plan and submitted evidence of such compliance to the Planning Director as provided for in Section 19.32.060.

19.32.100 Issuance of Grading and/or Building Permits. No building permit shall be issued for the development of or on any real property which is being converted from a mobile home park pursuant to this Chapter unless and until the applicant has filed with the Planning Director a verified statement made under penalty of perjury that all conditions of approval have been met or otherwise incorporated into the final project plans including the payment of all required relocation assistance required pursuant to this Chapter. Such statement shall identify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made.

19.32.110 Violations. In addition to any remedies or penalties for

noncompliance with any City Ordinance as provided elsewhere in the Municipal Code, any park owner or applicant who violates any rights of any mobile home owner or mobile home tenant established under this Chapter shall be liable to said person for actual damages caused by such violation, plus costs and reasonable attorney's fees. In addition, no park owner shall take any willful action to threaten, retaliate against, or harass any park resident with the intent to prevent such residents from exercising his or her rights under this Chapter.

- 15.40.010 Planning Director Approval
- 15.40.020 Planning Commission Approval
- 15.40.030 City Council Approval
- 15.40.040 Notice to Public Hearing
- 15.40.050 Full Development and Site Impact

15.40.010 Purpose: The purpose of this Chapter is to establish rules and regulations for the planning and development of mobile home parks. The purpose of this Chapter is to establish rules and regulations for the planning and development of mobile home parks.

15.40.010 Planning Director Approval

A. Purpose

The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

1. The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

2. The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

3. The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

4. The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

5. The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

6. The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

7. The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

8. The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

9. The planning director shall approve or disapprove any application for the planning director as provided in this Chapter.

Chapter 19.40

Review and Approval Procedures

Sections:

19.40.010	Purpose
19.40.020	Planning Director Approvals
19.40.030	Planning Commission Approvals
19.40.040	City Council Approvals
19.40.050	Notice of Public Hearing
19.40.060	Permit Revocation and Modification

19.40.010 Purpose. The purpose of this Chapter is to establish review and approval procedures for permits and other approvals provided for by this Title. Findings and other criteria for the approval of specific permits are contained in the appropriate chapters of this Title.

19.40.020 Planning Director Approvals.

A Authority.

1. The following may be approved without a public hearing by the Planning Director, as specified elsewhere in this Title:
 - a. Sign permits, pursuant to Chapter 19.23.
 - b. Home occupation permits, pursuant to Chapter 19.29.
 - c. Design permits, pursuant to Chapter 19.41.
2. The following may be approved following a public hearing by the Planning Director, as specified elsewhere in this Title:
 - a. Minor variations, pursuant to Chapter 19.44.
 - b. Minor modifications, pursuant to Chapter 19.45.
 - c. Conditional fence permits, pursuant to Chapter 19.10.
 - d. Classifications of use, pursuant to Chapter 19.05.
3. The Director may refer any of the above entitlements to the Planning Commission for review because of unique circumstances or a need for policy direction.

B. Application.

1. An application subject to the approval of the Planning Director shall be submitted to the Planning Department on forms specified by the Director, and shall be accompanied by all maps, plans, and other information deemed necessary by the Director.
2. An application shall be accompanied by any fee established by the City Council.
3. The Director shall inform the applicant in writing within 30 calendar days of receipt that the application is complete or that additional information is needed to complete the application. If such additional information is not provided within 90 days, the application shall be considered withdrawn, and any unused fees shall be refunded to the applicant. At the Director's discretion, an additional 30 days may be granted to complete an application.

C. Public Hearings.

1. When a public hearing is required for an application, upon acceptance of the application as complete and following completion of any environmental review, a public hearing shall be set before the Planning Director.
2. Notice of the public hearing shall be given in the manner specified in this Chapter.
3. A public hearing shall be held before the Director at the time and place specified by the public notice. The Director may establish rules for the conduct of such hearings. Any hearing may be continued provided that prior to adjournment or recess, the Director shall announce the time and place to which the hearing will be continued.

D. Decision.

1. The Director shall comply with the time limits stipulated in California Government Code Section 65950 when making a decision on an application.
2. When a public hearing is required for an application, the Director shall approve, conditionally approve, or deny an application following the close of the public hearing, or within 10 days thereafter. When a public hearing is not required, the Director shall take such action within 10 days of finding the application complete for processing. In both cases, such decision shall include any findings required by this Title.
3. Written notice of the Director's decision, including any conditions of approval,

shall be given by mail within five calendar days of the decision to the applicant and any person who has filed a written request for notice of the decision.

4. The Director's decision, including any conditions of approval, is final on expiration of 10 calendar days following the decision unless a notice of appeal is filed with the Director within such time. The date of the decision shall not be counted in determining the final date for filing an appeal. Should an appeal period end on a Saturday, Sunday or holiday, the final day for filing an appeal shall be the following Monday, or the next business day following a holiday.
5. Conditions of approval may be deleted or modified through a minor or major modification (Chapter 19.45), depending on the extent of the proposed change.

E. Appeal Procedures.

1. Any decision of the Planning Director made pursuant to this Chapter may be appealed to the Planning Commission by the applicant or any other person aggrieved by the Director's decision. Such appeal may be made by filing a written notice of appeal with the Director prior to the time the decision becomes final, on forms furnished by the Director. The appeal shall be accompanied by the fee established by the City Council.
2. Notice of the hearing on the appeal shall be given in the manner and time provided in this Chapter not less than 10 days before such hearing to each person entitled to notice of the preceding decision.
3. The Commission may affirm wholly or partly, reverse, modify, or attach additional conditions to the decision which was appealed.

- F. Permit Issuance. No permit shall be issued prior to the expiration of any appeal period for an entitlement.

19.40.030 Planning Commission Approvals.

- A. Authority. The following may be approved by the Planning Commission, as specified elsewhere in this Title:

1. Conditional use permits, pursuant to Chapter 19.42.
2. Variances, pursuant to Chapter 19.43.
3. Sign permits and programs, pursuant to Chapter 19.23.

4. Planned Community development permits, pursuant to Chapter 19.16.
5. Major modifications of previous Planning Commission approvals, pursuant to Chapter 19.45.
6. Applications and entitlements normally subject to Planning Director approval when filed in conjunction with any of the applications listed above.
7. Applications referred to the Commission by the Planning Director because of unique circumstances, potential public controversy, or a need for policy direction.

B. Application.

1. An application subject to the approval of the Planning Commission shall be submitted to the Planning Department on forms specified by the Commission, and shall be accompanied by all maps, plans, and other information deemed necessary by the Director.
2. An application shall be accompanied by any fee established by the City Council.
3. The Director shall inform the applicant in writing within 30 calendar days of receipt that the application is complete or that additional information is needed to complete the application. If such additional information is not provided within 90 days, the application shall be considered withdrawn, and any unused fees shall be refunded to the applicant. At the Director's discretion, an additional 30 days may be granted to complete an application.

C. Public Hearings.

1. Upon acceptance of an application as complete and following completion of any environmental review, a public hearing shall be set before the Commission.
2. Notice of the public hearing shall be given in the manner specified in this Chapter.
3. A public hearing shall be held before the Commission at the time and place specified by the public notice. The Commission may establish rules for the conduct of such hearings. Any hearing may be continued provided that the time and place to which it is continued is announced prior to adjournment or recess.

D. Decision.

1. The Commission shall comply with the time limits stipulated in California Government Code Section 65950 when making a decision on an application.
2. The Commission shall approve, conditionally approve, or deny an application following the close of the public hearing on an application, or within 30 days thereafter, by resolution. Such resolution shall include any findings required by this Title.
3. Written notice of the Commission's decision, including any conditions of approval, shall be given by mail within five calendar days of the decision to the applicant and any person who has filed a written request for notice of the decision.
4. The Commission's decision, including any conditions of approval, is final on expiration of 10 calendar days following the decision unless a notice of appeal is filed with the Planning Director within such time. The date of the decision shall not be counted in determining the final date for filing an appeal. Should an appeal period end on a Saturday, Sunday or holiday, the final day for filing an appeal shall be the following Monday, or the next business day following a holiday.
5. Requests to delete or modify a condition of approval, or to modify a project may be considered following the expiration of the appeal period at a properly-noticed public hearing before the Commission.

E. Appeal Procedures.

1. Any decision of the Planning Commission made pursuant to this Chapter may be appealed to the City Council by the applicant or any other person aggrieved by the Commission's decision. Such appeal may be made by filing a written notice of appeal with the Planning Director prior to the time the decision becomes final, on forms furnished by the Director. The appeal shall be accompanied by the fee established by the City Council.
2. Notice of the hearing on the appeal shall be given in the manner and time provided in this Chapter not less than 10 days before such hearing to each person entitled to notice of the preceding decision.
3. The City Council may affirm wholly or partly, reverse, modify, or attach additional conditions to the decision which was appealed. The Council's decision shall be final on adoption of an order or resolution containing its determination, and no notice thereof need be given.

F. Permit Issuance. No permit shall be issued prior to the expiration of any appeal

period for an entitlement.

19.40.040 City Council Approvals.

A. Authority. The following entitlements may be approved by the City Council, as specified elsewhere in this Title:

1. Zoning map and ordinance text amendments, pursuant to Chapter 19.48.
2. Planned Community conceptual master plans, pursuant to Chapter 19.16.
3. Specific plans, pursuant to Chapter 19.17.
4. Development agreements.
5. Entitlements otherwise subject to Planning Director or Planning Commission approval when filed in conjunction with any of the applications listed above.

B. Applications.

1. An application for an entitlement subject to the approval of the City Council shall be submitted to the Planning Department on forms specified by the Council, and shall be accompanied by all maps, plans, and other information deemed necessary by the Director.
2. An application shall be accompanied by any fee established by the Council.
3. The Director shall inform the applicant in writing within 30 calendar days of receipt that the application is complete or that additional information is needed to complete the application. If such additional information is not provided within 90 days, the application shall be considered withdrawn, and any unused fees shall be refunded to the applicant. At the Director's discretion, an additional 30 days may be granted to complete an application.

C. Planning Commission Review.

1. Upon acceptance of an application subject to City Council approval as complete and following completion of any environmental review, the application shall be referred to the Planning Commission for review and recommendations. The Commission shall hold a public hearing on the matter in accordance with Section 19.40.030, and shall transmit to the Council a written recommendation for approval, conditional approval or denial, including reasons for the recommendation.
2. Should the Commission fail to act upon the referral within a reasonable time, the Council may, by written notice, require the Commission to render its

report within 40 days after the reference or such longer period as may be designated by the Council. Upon receipt of the written notice, the Commission, if it has not done so, shall conduct a public hearing. Failure to so report to the Council within the stipulated time period shall be deemed to be a recommendation for approval of the application.

D. Public Hearings.

1. Upon receipt of the recommendation of the Planning Commission, the City Clerk shall set the application for a public hearing before the Council. However, if the Commission has recommended against approval of a referred application, the City Council need not take further action unless an interested party files a request for a hearing with the City Clerk within five days after the Planning Commission files its recommendation with the City Council.
2. Notice of the public hearing shall be given in the manner specified in this Chapter.
3. A public hearing shall be held before the Council at the time and place specified by the public notice. The Council may establish rules for the conduct of such hearings. Any hearing may be continued provided that the time and place to which it is continued is announced prior to adjournment or recess.

E. Decision.

1. The Council may approve, modify, or disapprove the recommendation of the Planning Commission on an application, by resolution, following the close of the public hearing, or within 30 days thereafter. Such resolution shall include any findings required by this Title.
2. Any modification of the application by the Council not previously considered by the Commission during its hearing, shall first be referred to the Commission for a report and recommendation, but the Commission shall not be required to hold a public hearing thereon. Failure of the Commission to report within 40 days after the reference, or such longer period as may be designated by the Council, shall be deemed to be approval of the proposed modification.
3. Written notice of the Council's decision, including any conditions of approval, shall be given by mail within five calendar days of the decision to the applicant and any person who has filed a written request for notice of the decision.
4. The Council's decision, including any conditions of approval, is final on

adoption of an order or resolution containing its determination.

5. Subsequent requests to delete or modify a condition of approval, or modify a project may be considered at a properly-noticed public hearing before the Council.

19.40.050 Notice of Public Hearing. When a public hearing is required by this Chapter, notice of the hearing shall be given in the manner specified in this Section.

- A. Contents of Notice. A required public hearing notice shall contain at least the date, time, and place of the hearing; the identity of the hearing body, and the nature and location of the application in sufficient detail for a member of the public to be able to understand the nature, intent and scale of the project or request.
- B. Method of Noticing. At least 10 calendar days before the date of any public hearing, required notice shall be given through all of the following actions:
 1. Publishing such notice once in a newspaper of general circulation within the City of American Canyon, or if none, in a newspaper of general circulation within the County of Napa, and,
 2. Mailing or delivering notice, postage prepaid, to all of the following:
 - a. The property owner
 - b. The applicant
 - c. The owners of all property within 300 feet of the exterior boundaries of the property which is the subject of the application, and,
 - d. Any person who has filed a written request for such notice.
 3. For the purposes of this mailed or delivered notice, the last known names and addresses of property owners on the last County assessment roll shall be used. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, a display advertisement of at least one-eighth page in at least one newspaper of general circulation may be published at least 10 days prior to the hearing in lieu of mailed or delivered notice.

19.40.060 Permit Revocation and Modification. Any entitlement granted pursuant to this Chapter may be modified or revoked by the official or decision-making body that originally granted the entitlement through the same procedures under which the entitlement was granted, for any of the following causes:

- A. Any term or condition of the entitlement has not been complied with.

- B. The property or portion thereof subject to the entitlement is used or maintained in violation of a statute, ordinance, law, or regulation.
- C. The use for which the entitlement was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance.

19.41.010 Purpose.

19.41.020 Applicability.

19.41.030 Design Panel Approval.

19.41.040 Scope of Design Panel Review.

19.41.050 Required Findings.

19.41.060 Issuance of Approval.

19.41.070 Purpose. The purpose of the Design Panel is to:

- A. Provide for a review process that promotes consistency in the planning and development of projects subject to Design Panel jurisdiction;
- B. Encourage the responsible application of a project to the site;
- C. Ensure that projects subject to review are consistent with existing and potential uses in the surrounding area;
- D. Act as a consultant to the Planning Commission.

19.41.080 Approval. Design Panel approval by the Planning Commission is required for the following:

- A. New structures, except single-family detached dwellings and their accessory structures, which are constructed on a lot in an R-1 zoning district, other than a detached garage, which is a single-story structure, and which is located on the lot in an R-1 zoning district, and which is not located within a subdivision lot boundary and which is subject to approval of a design panel;
- B. Structures and other exterior features, which include, but are not limited to, signs, billboards, and other structures, which are located on a lot in an R-1 zoning district, and which are subject to approval of a design panel.

19.41.090 Design Panel Approval. Design Panel approval is required for the following structures and other exterior features, which are located on a lot in an R-1 zoning district, and which are subject to approval of a design panel: design panel approval is required for the following structures and other exterior features, which are located on a lot in an R-1 zoning district, and which are subject to approval of a design panel:

Chapter 19.41

Design Permits

Sections:

19.41.010	Purpose
19.41.020	Applicability
19.41.030	Design Permit Approval
19.41.040	Scope of Design Permit Review
19.41.050	Required Findings
19.41.060	Expiration of Approval

19.41.010 Purpose. The purpose of this Chapter is to:

- A. Provide for a review process that promotes excellence in site planning and architectural design, consistent with General Plan design policies.
- B. Encourage the harmonious appearance of buildings and sites.
- C. Ensure that new and modified uses and development are compatible with existing and potential uses in the surrounding area.
- D. Produce an environment of stable, desirable character.

19.41.020 Applicability. Design permit approval by the Planning Director or Planning Commission is required for the following:

- A. New structures, except single-family detached dwellings and their attendant accessory structures constructed on a parcel of land. However, when a builder constructs three or more single-family dwellings in a single subdivision in one year, or on a single block in one year if the lots are not located within a subdivision, the dwelling units shall be subject to approval of a design permit.
- B. Enlargements and exterior alterations of structures, including repainting and color changes of commercial, industrial and multi-family structures, but excluding enlargements and alterations of single-family dwellings for which a design permit was not originally required, unless required as a condition of another approval.

19.41.030 Design Permit Approval. Except as provided in this Chapter, no building or structure may be erected, and no building may be enlarged or altered until a design permit application has been approved by the Planning Director or Planning Commission, as required below. Such review and approval may take place concurrently with the review of any other required approvals.

- A. Planning Director Approvals. The Planning Director may approve the following design permit applications. No public hearing shall be required unless the design permit is being processed concurrently with other applications for which a hearing is required. In this case, the design permit shall be considered at the same public hearing.
1. Two-family dwellings and appurtenant accessory structures.
 2. Multi-family projects containing fewer than five units.
 3. Commercial structures containing less than 5,000 square feet total, industrial structures containing less than 20,000 square feet total, and subsequent substantial changes of use to these structures.
 4. Enlargements or alterations to a project originally approved by the Planning Commission involving an area of less than 5% of the project's floor area, that the Director deems to be compatible with the original approval and an insignificant alteration to the project's appearance.
 5. Any visible enlargements or alterations to projects subject to design permit approval by the Director.
 6. Changes in use to structures or property which do not meet design standards contained in this Title for landscaping, parking, signage, screening, etc.
- B. Planning Commission Approvals. The Planning Commission may approve the following design permit applications following a public hearing pursuant to the procedures set forth in Chapter 19.40:
1. Multi-family dwelling projects containing five or more units.
 2. The construction in one year by a single builder of three or more single-family dwellings in a single subdivision, or on a single block if the lots are not located within a subdivision, except such construction in the PC Zone District.
 3. Commercial structures containing 5,000 total square feet or more and industrial structures containing 20,000 square feet or more, and substantial changes of use to these structures.
 4. Enlargements and exterior alterations of projects previously approved by the Commission involving an area of more than 5% of the project's floor area, or lesser changes that the Planning Director has determined potentially represent a significant alteration to a project's appearance or are potentially incompatible with the original approval.

5. Sign programs requiring Commission approval, pursuant to Chapter 19.23.
6. Design permit applications referred to the Commission by the Director because of unique circumstances, potential public controversy or a need for policy direction.

19.41.040 Scope of Design Permit Review. The following areas of design shall be considered in reviewing design permits:

A. Site Planning.

1. Appropriateness of setbacks, site coverage, building heights, and outdoor use areas.
2. Adequacy of parking, and vehicular and pedestrian circulation.
3. Relationship to abutting or adjacent sites and land uses; minimization of impacts on residential districts.
4. Preservation of natural site amenities.
5. Use of landscaping, outdoor lighting, and outdoor furniture.
6. Usability of public and private open spaces.

B. Structural Design.

1. Scale, mass, bulk, and proportions
2. Compatibility with the desirable qualities of the area and/or streetscape
3. Compatibility of building materials and detailing for all structures
4. Relationship to other structures and accessory elements on a site
5. Screening of utility and mechanical facilities
6. Design of fences and walls
7. Use of architectural elements that contribute to visual interest and variety, including variation to wall planes, multiple roof lines and defined entries

19.41.050 Required Findings. Approval of a design permit application may be granted by the appropriate decision-making authority only if all of the following findings are made:

- A. The project complies with all applicable provisions of this Title and any applicable approvals granted for the project by any decision-making authority.
- B. The project and its design complies with any applicable design guidelines.
- C. The project and its design complies with all applicable General Plan policies.
- D. The project's quality and character are compatible with the surrounding area, unless physically deteriorated or blighted, and will not be materially detrimental to existing development.
- E. The proposed design is compatible with existing development in the area in terms of scale, height, bulk, proportion, materials, cohesiveness, color, and the preservation of privacy.
- F. The design improves the community's appearance by avoiding both excessive variety and monotonous repetition.
- G. The proposed design promotes a harmonious transition in terms of scale and character between areas of different General Plan land use designations and zoning districts.
- H. The proposed design provides for adequate and safe on-site vehicular and pedestrian circulation.

19.41.060 Expiration of Approval.

- A. If the project for which a design permit has been approved pursuant to this Chapter has not been inaugurated within two years of the granting of the design permit, the approval shall become null and void and of no effect. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated period.
- B. An extension of time may be granted by the Planning Director upon the written request by a responsible party before the expiration of the two-year period, provided that:
 - 1. There have been no changes in the approved plans; and,
 - 2. There has been no change of circumstances which would prevent any of the required findings of approval to be made.

Chapter 19.42

Conditional Use Permits

Sections:

- 19.42.010 Purpose
- 19.42.020 Review and Approval Procedures
- 19.42.030 Expiration of Approval
- 19.42.040 Revocation and Modification
- 19.42.050 Existing Conditional Uses

19.42.010 Purpose. The purpose of this Chapter is to establish procedures and general standards for the review and approval of conditional use permits required by various sections of this Title and for uses listed in Chapter 19.05, *Use Classifications*, as a use permitted subject to the securing of a conditional use permit.

19.42.020 Review and Approval Procedures.

A. Application.

1. Applications for conditional use permits shall be filed with the Planning Department. Submittals shall include a completed application form, along with related information and filing fees established by the City.
2. If other approvals are necessary, an application for a conditional use permit may be filed and processed concurrently with the related entitlement request(s), and shall be acted upon by the appropriate decision-making authority.
3. Following the denial or revocation of a conditional use permit application, no application for such permit for the same or substantially the same use and design, or use of the same or substantially the same site shall be filed within one year from the date of denial or revocation.

B. Approval Authority. The Planning Commission may approve conditional use permits for those uses designated "C" in this Title. Applications for such permits shall be reviewed in accordance with Chapter 19.40, *Review and Approval Procedures*.

- C. Terms and Conditions. Any conditional use permit may include such terms and conditions deemed appropriate or necessary by the decision-making authority to make the findings required by Subsection D below. If no terms or conditions are specified, the use permit shall be considered unconditional and valid for an indefinite period, unless the use is abandoned.
- D. Required Findings. The decision-making authority may approve or conditionally approve an application for a conditional use permit if it makes all of the following findings:
1. The proposed use is consistent with the policies and programs of the General Plan and any applicable master or specific plan.
 2. The proposed use is consistent with the purpose(s) and standards of the applicable zoning district(s).
 3. The project site is physically suitable for the type and intensity of land use being proposed.
 4. The proposed use will not be a nuisance or materially detrimental to the general health, safety, and welfare of the public or to property and residents in the vicinity.
 5. The site for the proposed use has adequate access, and meets parking and circulation standards and criteria.
 6. There are adequate provisions for water and sanitary services, and other public utilities to ensure that the proposed use would not be detrimental to public health and safety.
- E. Required Findings - Homeless Shelters. In addition to the findings required by Subsection D. above, the Planning Commission shall make the following findings of fact in approving a conditional use permit for a homeless shelter:
1. The applicant has demonstrated that the type and size of homeless shelter proposed directly fulfills the needs of city residents.
 2. Approval of the permit will not result in an over concentration of homeless shelters in the vicinity.
 3. The land uses and development in the immediate vicinity of the project will not constitute an immediate or potential hazard to occupants of the shelter.
 4. The shelter will have ready access to public transportation and planned or existing support services.

F. Required Findings - Accessory Dwelling Units. In addition to the findings required by Subsection D. above, the Planning Commission shall make the following findings in approving a conditional use permit for accessory dwelling units:

1. Access separate from the on-site commercial use(s) is provided for the accessory dwelling unit(s).
2. Noise levels within the accessory dwelling unit(s) will not exceed any adopted noise standards.
3. The accessory dwelling unit(s) will be protected from any obnoxious odors generated on-site or in the immediate vicinity.

G. Required Findings - Adult Businesses. In addition to the findings required by Subsection D. above, the Planning Commission shall make the following finding in approving a conditional use permit for an adult business:

1. The adult business is more than 350 feet from any other such business, more than 500 feet from any religious institution, school, or Public Park, and more than 500 feet of any property designated for residential use or used for residential purposes.

19.42.030 Expiration of Approval.

A. Expiration of Approval. If the use for which a conditional use permit has been approved pursuant to this Chapter has not been initiated within one year of the granting of the use permit, the use permit shall become null and void and of no effect.

B. Time Extensions.

1. An extension of time for initiation of the approved use may be granted by the Planning Director upon the written request by a responsible party before the expiration of the one-year period, provided that:
 - a. There have been no changes in the approved plans; and,
 - b. There has been no change of circumstances which would prevent any of the required findings of approval to be made.
2. Only one such extension for a period not to exceed one year from the expiration of the original period shall be granted.

19.42.040 Revocation and Modification.

A. The Planning Commission may periodically review any use permit to ensure that it is

being operated in a manner consistent with conditions of approval and/or in a manner that is not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the Commission deems that there is sufficient evidence to warrant a full examination, then a public hearing before the appropriate decision-making body shall be set for modification or revocation.

- B. Any conditional use permit issued pursuant to this Chapter may be revoked or modified pursuant to Chapter 19.40 of this Title, following a public hearing held in accordance with Chapter 19.40.
- C. Minor and major modifications to approved conditional use permits may be approved in accordance with Chapter 19.45 of this Title.

19.42.050 Existing Conditional Uses. A conditional use established prior to enactment of this Title may continue, provided it is operated and maintained in accordance with any conditions prescribed in the conditional use permit.

Chapter 19.43

Variances

Sections:

19.43.010	Purpose
19.43.020	Allowable Variances
19.43.030	Review and Approval Procedures
19.43.040	Expiration of Approval
19.43.050	Variance Revocation and Modification

19.43.010 Purpose. Variances may be granted in order to prevent or to lessen practical difficulties and unnecessary physical hardships that would result from strict or literal interpretation and enforcement of certain regulations of this Title. A practical difficulty or unnecessary physical hardship may result from the unique size, shape, or dimensions of a site or the location of existing structures thereon; from singular geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from population densities, street locations, or traffic conditions in the immediate vicinity. Cost to the applicant of strict or literal compliance with a regulation shall not be the sole reason for granting a variance.

19.43.020 Allowable Variances.

- A. Variances may be granted to site development regulations and standards prescribed by this Title, such as lot area, width, depth, and coverage; front, rear, and side yards; floor area ratio; height of structures; distances between structures; signs; and off-street parking and loading facilities.
- B. The power to grant variances does not extend to allowing variations to the use regulations contained in Chapter 19.05, Use Classifications, and Section 19.05.020 Permitted and Conditionally -Permitted Uses.

19.43.030 Review and Approval Procedures.

- A. Application. An application for a variance shall be filed with the Planning Department on forms prescribed by the Planning Commission, along with any plans, maps, or additional information required by the Planning Director. The application shall include, in part, evidence supporting the findings required by Section C below.
- B. Review and Approval Authority. A variance application shall be reviewed and approved, conditionally approved, or denied by the Planning Commission in accordance with Chapter 19.40, *Review and Approval Procedures*.
- C. Required Findings. The Planning Commission may approve or conditionally

approve a variance application if it makes all of the following findings:

1. Special circumstances exist applicable to the subject property, including size, shape, topography, location, existing improvements, or surroundings, such that the strict application of this Title deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district(s).
2. Granting of the variance does not constitute a grant a special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district(s) in which such property is located.
3. Granting of the variance will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.
4. Granting of the variance does not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.
5. Granting of the variance will not result in an inconsistency with the General Plan.

- D. Terms and Conditions. Any variance approval may include such terms and conditions as deemed necessary or appropriate by the Planning Commission to affect the purposes of this Title. If no additional terms or conditions are specified, the variance shall be considered unconditional and valid for an indefinite period.

19.43.040 Expiration of Approval.

- A. One-Year Expiration. If the project for which a variance has been approved pursuant to this Chapter has not have not been inaugurated within one year of the granting of the variance, the variance shall become null and void and of no effect. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.
- B. Extensions. An extension of time for project inauguration may be granted by the Planning Director upon the written request by a responsible party before the expiration of the one-year period, provided that:
1. There have been no changes in the approved plans; and,
 2. There has been no change of circumstances which would prevent any of the required findings of approval to be made.
 3. Only one such extension for a period not to exceed one year from the expiration of the original period shall be granted.

19.43.050 Variance Revocation and Modification. Any variance issued pursuant to this Chapter may be revoked or modified pursuant to Chapter 19.40, *Review and Approval Procedures*.

Chapter 19.44

Minor Variations

Sections:

- 19.44.010 Purpose and Intent**
- 19.44.020 Applicability**
- 19.44.030 Review and Approval Procedures**
- 19.44.040 Terms and Conditions**
- 19.44.050 Revocation and Modification**

19.44.010 Purpose and Intent.

- A. The purpose of this Chapter is to provide limited relief from the strict application of development standards specified in this Title where the granting of a minor variation would promote uniform development or relieve an unreasonable hardship, but would not be detrimental to the public health, safety, or welfare or to property or residents in the area.
- B. It is the intent of the City to limit the use of Minor Variations to new and expanded commercial and industrial development and to additions to residential structures on lots created prior to the effective date of the City's incorporation, January 1, 1992.

19.44.020 Applicability

- A. A minor variation to the following standards may be approved:
 - 1. Off-street parking and loading requirements in Commercial and Industrial Districts: Ten percent maximum waiver of the number of parking spaces required or the amount of landscaped parking area required by Chapter 19.21, Off-Street Parking and Loading Standards.
 - 2. On an existing residential lot created prior to the effective date of the incorporation of the City, January 1, 1992, a ten percent maximum waiver to setback, lot coverage, separation between buildings, and building height requirements may be granted for additions to existing structures.
 - 3. In Commercial and Industrial Districts, a ten percent maximum waiver to setback, lot coverage, separation between buildings, lot dimension, and building height requirements may be granted only in conjunction with the approval of a Design Permit or Use Permit approved by the Planning Commission or City Council.
 - 4. Sign area and height 10 percent maximum deviation from the standards set

forth in Chapter 19.23, *Sign Regulations*.

- B. Any minor variation request that exceeds the prescribed limitation set forth in this chapter shall require the filing of a variance application, pursuant to Chapter 19.43.

19.44.030 Review and Approval Procedures.

- A. Application. An application for a minor variation shall be filed with the Planning Department on forms prescribed by the Director, along with any plans, maps, or additional information required by the Director. The application shall include, in part, evidence supporting the findings required by this Chapter.
- B. Review and Approval Authority.
1. A minor variation application shall be reviewed and approved, conditionally approved, or denied by the Planning Director, Planning Commission, and City Council in accordance with Chapter 19.40, *Review and Approval Procedures*, if no other entitlements are required.
 2. If other approvals are necessary, the minor variation shall be filed concurrently with the related entitlement(s) requests, and shall be acted upon by the appropriate decision-making authority for the related entitlement(s).
- C. Required Findings. The Planning Director, Planning Commission, and City Council may approve or conditionally approve a minor variation application if the following findings are made:
1. The granting of the minor variation will not be materially detrimental to the public health, safety, or welfare, or to property or residents in the vicinity.
 2. The granting of the minor variation will not result in any inconsistencies with the General Plan.
 3. The minor variation does not exceed the maximum waiver permitted by this Chapter, or allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.
 4. Either of the following:
 - a. The minor variation will promote uniformity in development on the lot or in the area.
 - b. The minor variation will alleviate an unreasonable hardship on the property owner or applicant that would result from strict application of the requirements of this Title.

- D. Terms and Conditions. Any minor variation approval may include such terms and conditions as deemed necessary or appropriate by the Planning Director, Planning Commission, and City Council to affect the purposes of this Title. If no additional terms or conditions are specified, the minor variation shall be considered unconditional and valid for an indefinite period.

19.44.040 Terms and Conditions.

- A. One-Year Expiration. If the project for which a minor variation has been approved pursuant to this Chapter has not been inaugurated within one year of the granting of the minor variation, the minor variation shall become null and void and of no effect. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.
- B. Time Extensions. An extension of time for project inauguration may be granted by the Planning Director upon written request by a responsible party before the expiration of the one-year period, provided that:
1. There have been no changes in the approved plans; and,
 2. There has been no change of circumstances, which would prevent any of the required findings of approval to be made.
 3. Only one such extension for a period not to exceed one year from the expiration of the original period shall be granted.

19.44.050 Revocation and Modification. Any minor variation issued pursuant to this Chapter may be revoked or modified pursuant to Chapter 19.40, *Review and Approval Procedures*.

Chapter 19.45

Minor and Major Modifications

Sections:

19.45.010	Purpose
19.45.020	Definitions
19.45.030	Review and Approval Procedures
19.45.040	Revocation and Modification

19.45.010 Purpose. The purpose of this Chapter is to provide for minor and major modifications to previously-approved plans or permits, based on the degree of change from a previously-approved plan or permit.

19.45.020 Definitions.

A. A *minor modification* is defined as a non-substantive change of a previously-approved plan or permit. Examples of changes typically considered minor in nature include:

1. To allow the minor reconfiguration of an architectural feature or features that individually or cumulatively do not modify the previously-approved design theme or plan for the project.
2. To allow minor changes to approved building footprints within the buildable area of a project site.
3. To allow the minor reconfiguration or striping of parking lots that will not decrease the number of parking spaces for an approved project.
4. To allow minor changes in building materials and colors for an approved project.
5. To allow the addition of minor structures or structural additions to an approved project, provided that such structures will not increase the total buildable area by more than 5%.
6. To allow the fulfillment of a condition of approval in a manner that may vary from that specified in the original conditions, provided that the intent and purpose of such original condition is fully met.
7. To allow minor changes to conditions of approval.
8. Other requests similar to the above-listed minor modifications, as determined

by the Planning Director.

B. A *major modification* is defined as a significant revision of a previously-approved plan or permit. Examples include:

1. An increase in the number of dwelling units proposed in a residential subdivision or development.
2. A greater than 5% increase in the square footage of an approved structure or use.
3. A change to the overall architectural design concept of an approved building.
4. A significant reduction in site landscaping or open space shown on an approved development plan.
5. A significant reconfiguration of roadway or parking lot design.
6. A significant increase in grading and earth moving activities.
7. Significant changes to or deletions of conditions of approval.
8. Other similar changes of a substantive nature as determined by the Planning Director.

19.45.030 Review and Approval Procedures

A. Application. An application for a minor or major modification shall be filed with the Planning Department on forms prescribed by the Director, along with any plans, maps, or additional information required by the Director. The application shall include, in part, a narrative description of the proposed change(s) and an explanation of why the change(s) is/are sought.

B. Review and Approval Authority.

1. A minor modification application shall be reviewed and approved, conditionally approved, or denied by the Planning Director in accordance with Chapter 19.40, *Review and Approval Procedures*.
2. A major modification application shall be reviewed and approved, conditionally approved, or denied by the original decision-making authority in accordance with Chapter 19.40.

C. Terms and Conditions. Any minor or major modification approval may include such terms and conditions as deemed necessary or appropriate by the Director or Commission to affect the purposes of this Title. If no additional terms or conditions

are specified, the minor or major modification shall be considered unconditional and valid for an indefinite period.

D. Required Findings. The Director or Commission may approve or conditionally approve a modification application if all of the following findings are made:

1. The modification is in substantial conformity with the previously-approved plan or permit, or if the change is substantive, that the revised project is equivalent to the original project design concept in terms of consistency with City design and development standards and policies.
2. The modification will not create impacts substantially different from those of the previously-approved project.
3. The granting of the modification will not be materially detrimental to the public health, safety, or welfare, or to property or residents in the vicinity.
4. The proposed modification is consistent with the policies and exhibits contained in the General Plan.

19.45.040 Revocation and Modification. Any modification issued pursuant to this Chapter may be revoked or modified pursuant to Chapter 19.40.

Chapter 19.46

Zoning Clearances and Certificates of Occupancy

Sections:

- 19.46.010 Purpose
- 19.46.020 Applicability
- 19.46.030 Review and Approval Procedures

19.46.010 Purpose. The purpose of this Chapter is to ensure that all new uses and structures and changes or alterations in uses or structures comply with the requirements of this Title prior to any building construction, initiation of use, or building occupation.

19.46.020 Applicability. No parcel of land shall be occupied or used and no building hereafter erected or altered shall be occupied or used until a zoning clearance or a certificate of occupancy, as applicable, have been issued by the Planning Director, Building Official or other appropriate city official.

19.46.030 Review and Approval Procedures.

A. Zoning Clearances

1. Prior to the issuance of a business license or building permit for any establishment of use or construction of a building or structure, a zoning clearance shall be issued by the Planning Director, certifying that the business license or building permit complies with all provisions of this Title and any discretionary approvals.
2. Prior to the issuance of a zoning clearance, the applicant shall provide evidence to the Director of approval from any appropriate agencies and city departments.

B. Certificates of Occupancy. A certificate of occupancy shall state that the building or proposed use of a building or land complies with all of the provisions of the Municipal Code and all other building codes applicable to occupancies within the City. A record of all certificates shall be kept on file at the City offices and copies shall be furnished on request to any person having a proprietary or tenancy interest in the affected building or land.

1. Building certificates of occupancy. A certificate of occupancy for a new building or the alteration of an existing building shall be applied for concurrently with the application for a final inspection permit. The certificate shall be issued after final inspection has been completed and it has been

determined that construction conforms to the Municipal Code's building regulations, as well as to the provisions of this Title.

2. Use certificates of occupancy. A certificate of occupancy for a change in the use of a building or structure shall be applied for concurrently with an application for a business license before any such new use commences. The certificate shall be issued within 10 days after the application has been made, provided that such use is in conformity with the provisions of this Title.

Chapter 19.47

Development Agreements

Sections:

19.47.010	Purpose
19.47.020	Qualifications and Standards for Filing Application for Development Agreement
19.47.030	Application Procedure
19.37.040	Contents of Development Agreements
19.37.050	Rules, Ordinances, Regulations and Official Policies of City Applicable to Property Subject to Development Agreement
19.47.060	Action by the Planning Commission
19.47.070	Action by the City Council
19.47.080	Required Findings for Approval
19.47.090	Recordation of Development Agreement
19.47.100	Ongoing Review/Termination of Development Agreement
19.47.110	Amendments to Approved Development Agreements.
19.47.012	Effect of New State or Federal Laws or Regulations on Development Agreements
19.47.120	Effect of New State or Federal Laws or Regulations on Development Agreements.

19.47.010 Purpose. The purpose of this chapter is to provide procedures for the processing and review of applications for development agreements by the City.

19.47.020 Qualifications and Standards for Filing Application for Development Agreement.

- A. Only a qualified applicant may file an application for a development agreement. A qualified applicant is a person who has a legal or equitable interest in the real property which is the subject of the development agreement, or an authorized agent of a person who has legal or equitable interest. The Planning Director may require an applicant to submit a title report or other evidence satisfactory to the Planning Director to verify the applicant's interest in the real property and the authority of the agent to act for the applicant.
- B. Applications from qualified applicants for development agreements for property in unincorporated areas within the City's Sphere of Influence will be processed as provided in this section. However, the agreement shall not become operative unless annexation proceedings annexing the property to the City are completed within the period of time specified by the agreement. If the annexation is not completed within the time specified in the agreement or any extension of the agreement, the agreement shall be null and void.

- C. An application for a development agreement may be filed concurrently with other application(s) having a direct relationship to the property which is the subject of the proposed agreement.

19.47.030 Application Procedure.

- A. An application for a development agreement shall be made in the form of a written request submitted to the Planning Department. The Planning Department shall provide an application form for this purpose.
- B. A draft of the proposed development agreement may be submitted along with the application. Said agreement shall be in a form acceptable to the City Attorney and shall contain all information required under Section 65865.2 of the Government Code. If deemed appropriate by the City, or if agreed upon prior to submittal, the City Attorney may draft the initial agreement for review by the parties thereto.
- C. The application shall be accompanied by an application fee in the amount (if any) established by a Resolution adopted by the City Council.
- D. Any legal fees incurred by the City in drafting or reviewing a development agreement shall be paid by the applicant prior to its becoming effective.
- E. The Planning Director, City Manager, and/or City Attorney may require additional information to supplement the application, if deemed necessary to conduct the environmental analysis required by the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) and/or to enable the Planning Commission and City Council to determine whether the development agreement is consistent with the objectives of the City's General Plan and any applicable specific or community area plan, the effect of the proposed agreement on capital facilities, and/or whether the proposed agreement otherwise meets the City's standards for approval.

19.47.040 Contents of Development Agreements.

- A. A development agreement shall specify the duration of the agreement the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced

within a specified time and that the project or any phase thereof be completed within a specified time.

- B. The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

19.47.050 Rules, Ordinances, Regulations and Official Policies of City Applicable to Property Subject to Development Agreement.

- A. Unless otherwise provided by the development agreement, the rules, ordinances, regulations, and official policies of the City applicable to the development of property subject to a development agreement shall be those rules, ordinances, regulations and official policies in force at the time of execution of the agreement. A development agreement shall not prevent the City in subsequent actions applicable to the property, from applying new rules, ordinances, regulations, and policies which do not conflict with those applicable to the property as set forth in the development agreement, nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, ordinances, regulations, and policies.

19.47.060 Action by the Planning Commission.

- A. The Planning Commission shall hold at least one public hearing on an application for a development agreement. The hearing shall be set and notice given as prescribed in Sections 65090 and 65091 of the Government Code. The hearing may be continued from time to time.
- B. Following the close of the public hearing, the Planning Commission shall determine whether the proposed development agreement is consistent with the required findings for approval as contained in Section 19.47.080, and shall recommend to the City Council that the application for a development agreement be either approved, approved as amended, or denied.

19.47.070 Action by the City Council.

- A. Upon receiving a recommendation from the Planning Commission on a proposed development agreement, the City Council shall hold a public hearing. The hearing shall be set and notice given as prescribed in Sections 65090 and 65091 of the Government Code. The hearing may be continued from time to time.
- B. Following the closing of a public hearing, the Council shall determine if the development agreement is consistent with the findings contained within Section 19.47.080 of this Article. If determined to be consistent, the City Council shall make such findings and introduce an ordinance adopting the development

agreement. Such ordinance shall become effective thirty (30) days after its adoption.

19.47.080 Required Findings for Approval. Before taking action to approve or recommend approval of a development agreement, the City Council or Planning Commission shall find as follows:

- A. The proposal for which the development agreement is requested conforms with the maps and policies of the General Plan and any applicable specific, community, or area plans.
- B. The proposal for which the development agreement is requested complies with the requirements of California Government Code Sections 65865 through 65869.5, and any other applicable State Law.
- C. The proposal for which the development agreement is requested is consistent with the Zoning Ordinance and all applicable codes and ordinances.
- D. The proposal for which the development agreement is requested will not be detrimental to or cause adverse effects on adjacent property owners, residents, or the general public.
- E. The proposal for which the development agreement is requested provides clear and substantial benefit to the residents of the City of American Canyon.

19.47.090 Recordation of Development Agreement. No later than ten (10) days after entering into a development agreement, the City Clerk shall record with the Napa County Recorder a copy of the agreement.

19.47.100 Ongoing Review/Termination of Development Agreement. The City shall periodically review, at least every twelve (12) months, all approved development agreements to determine whether the applicant, or successor in interest thereto, is demonstrating good faith compliance with the terms of the agreement as established under Section 65865.1 of the Government Code. If, as a result of periodic review, the City finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with terms or conditions of the agreement, the City may initiate proceedings to terminate or nullify the agreement.

19.47.110 Amendments to Approved Development Agreements.

- A. Any proposed amendments to previously approved development agreements shall be reviewed pursuant to the procedures outlined in this Chapter for a new application.

- B. All amendments to development agreements must be in writing, and approved by both the City and the applicant or successor in the interest thereto.

19.47.120 Effect of New State or Federal Laws or Regulations on Development Agreements. In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as necessary to comply with such state or federal laws or regulations.

Chapter 19.48

Zoning Map and Ordinance Text Amendments

Sections:

19.48.010	Purpose
19.48.020	Initiation by Planning Commission or City Council
19.48.030	Initiation by Interested Person(s)
19.48.040	Review and Approval Procedures

19.48.010 Purpose. The purpose of this Chapter is to provide for the amendment of this Title and the Official Zoning Map.

19.48.020 Initiation by Planning Commission or City Council. The Planning Commission or City Council may, at any time and in any form deemed appropriate by either body, initiate an amendment to any portion of this Title. An amendment may be any of the following types:

- A. An amendment to the text of this Title not changing regulations or standards affecting the use of any property.
- B. An amendment to the text of this Title changing regulations or standards affecting the use of property.
- C. Amendment to the Official Zoning Map reclassifying property from one district to another, including applying an overlay district to, or removing an overlay district from property.

19.48.030 Initiation by Interested Person(s). A property owner may initiate an amendment to the Official Zoning Map to reclassify their property from one zoning district to another, or to establish an overlay district by filing an application with the Planning Department on forms prescribed by the City Council, along with any plans, maps, or additional information required by the Planning Director.

19.48.040 Review and Approval Procedures.

- A. Approval Authority. An application for a zoning map or ordinance text amendment shall be reviewed, and approved or denied by the City Council in accordance with Chapter 19.40, *Review and Approval Procedures*.
- B. Planning Commission Review. An application for a zoning map or ordinance text amendment shall be referred to the Planning Commission for review and recommendations in accordance with Chapter 19.40.

C. Required Findings. The City Council may approve an application for a zoning map or ordinance text amendment only if it finds all of the following:

1. The amendment is consistent with the goals and policies of the General Plan.
2. The amendment is consistent with the purposes of this Title, as set forth in Chapter 19.01, *Authority, Purposes, and Effects of the Zoning Ordinance*.

Chapter 19.49

Nonconforming Uses, Structures and Lots

Sections:

19.49.010	Purpose and Intent
19.49.020	Definitions
19.49.030	Limitations to Nonconforming Structures
19.49.040	Limitations to Nonconforming Uses
19.49.050	Use of Nonconforming Lots
19.49.060	Certificates of Nonconformity
19.49.070	Nonconforming Signs
19.49.080	Public Utility Exceptions

19.49.010 Purpose and Intent.

- A. The purpose of this Chapter is to regulate buildings and uses which do not conform to one or more provisions of this Title, but were lawfully established and in compliance with all applicable ordinances and laws at the time this Title and any amendment thereto was adopted.
- B. This Chapter is intended to prevent the expansion of nonconforming buildings and uses and establish the circumstances under which they may be altered, repaired or changed.
- C. Nothing contained in this Chapter shall be construed or implied so as to allow for the continuation of illegal nonconforming buildings and uses. Said uses shall be removed immediately upon notification by the Planning Director.

19.49.020 Definitions. For the purposes of this Chapter, the following terms shall be defined as follows:

- A. "Appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally-recognized property appraiser.
- B. "Cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement. Renovation, repair, or replacement costs shall be determined by the Building Official, whose decision may be appealed to the City Council. The "cost" of such renovation of repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of this Chapter by doing such work incrementally.

- C. "Nonconforming lots" shall mean a lot, the area dimensions, or location of which was lawful prior to the effective date of this Title, or any amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district in which it is located.
- D. "Nonconforming structure" shall mean any structure that was lawfully established and in compliance with the applicable ordinances and laws at the time the ordinance codified in this Title or any amendment thereto became effective, but which, due to the application of this Title or any amendment thereto, no longer complies with all the applicable regulations and standards of development in the zoning district in which it is located.
- E. "Nonconforming use" shall mean any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time the ordinance codified in this Title, or any amendment thereto, became effective, but which, due to the application of this Title or any amendment thereto is a use not listed as permitted, accessory, or subject to permit in the zoning district in which it is located. "Nonconforming use" shall also include uses reclassified from permitted to subject to permit in the same district, and uses made nonconforming by the addition of a development standard previously not required for such use in the same zoning classification, where such added standard is specified to be a "condition of use".

19.49.030 Limitations to Nonconforming Structures. The following limitations shall apply to nonconforming structures:

- A. A nonconforming structure shall not be moved, altered, enlarged, or reconstructed so as to increase the discrepancy between existing conditions and the development standards specified for the zoning district in which the structure is located, except that where a dwelling unit has a nonconforming side yard or rear yard setback, the nonconformity may be extended along the length of the nonconforming façade.
- B. A nonconforming structure which is damaged to the extent that the cost of repair or replacement would exceed 50 percent of the appraised value of the damaged structure may be restored only if made to conform to all provisions of this Title.
- C. Repairs and changes to interior partitions or other nonstructural improvements may be made to a nonconforming structure; however, the cost of such repairs and changes shall not exceed 50 percent of the appraised value of the structure to be renovated.
- D. Subject to the valuation limit in Section C above, structural elements may be modified where the Building Official determines such modification is immediately necessary to protect the health and safety of the public or occupants of the nonconforming building or adjacent property.

- E. If the use of a nonconforming structure is discontinued for a period of 12 months or more, the structure shall lose its nonconforming status and shall thereafter be removed or altered to conform to the provisions of this Title. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 12 months shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continually maintained.

19.49.040 Limitations to Nonconforming Uses. The following limitations shall apply to nonconforming uses:

- A. A nonconforming use may be continued, provided that a nonconforming use which ceases for a continuous period of 180 days, or a nonconforming seasonal use which ceases operation for one season, shall lose its nonconforming status, and the premises on which the nonconforming use was located shall from then on be used for conforming uses only.
- B. Change of ownership, tenancy, or management of nonconforming use shall not affect its legal nonconforming status.
- C. A nonconforming use shall not be enlarged or extended to occupy any part of a structure or site which it did not occupy on the effective date of this Title or of any amendment thereto that caused it to become a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site.
- D. A nonconforming use shall not be intensified. For example, it may not be modified so as to directly increase the number of employees or patrons, or to extend hours of operation.
- E. A lot or portion thereof occupied by a nonconforming use may be further developed by the addition of conforming uses and structures.
- F. No structure, the use of which is nonconforming, shall be moved or altered unless required by law, or unless the moving or alteration will result in the elimination of the nonconformity.
- G. A conditional use permit shall be required for the reconstruction of a structure housing a nonconforming conditional use established prior to enactment of this Title if the structure is destroyed to an extent greater than 50 percent.
- H. No use of land or structure existing at the time of adoption of this Title shall be deemed to be nonconforming solely because of a failure to meet the requirements of Chapter 19.21, *Parking and Loading*.

19.49.050 Use of Nonconforming Lots. Any lot, the area, dimensions or location of which was lawful on the effective date of this Title or any amendment thereto, but which fails by reason of such adoption or amendment to conform to the requirements of the applicable zoning district, shall be considered buildable for the purposes of this Title.

19.49.060 Certificates of Nonconformity. Certificates of occupancy for nonconforming uses existing on the effective date of this Title may be issued by the Planning Director. The certificate shall state that the use is in nonconforming use and does not conform with the provisions of this Title, but is operating legally, consistent with nonconforming provisions of this Chapter.

19.49.070 Nonconforming Signs. Refers to Chapter 19.23, *Sign Regulations*, for provisions regarding nonconforming signs.

19.49.080 Public Utility Exceptions. Nothing contained in this Chapter shall be construed or implied so as to require the removal of public utility buildings, structures, equipment, or facilities provided that there is no change of use and no enlargement of the land area devoted to such use.

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